



**NOTICE OF REGULAR MEETING
SEALY CITY COUNCIL
CITY COUNCIL CHAMBERS
415 MAIN STREET
SEALY, TX 77474
TUESDAY, JUNE 17, 2025
6:00 P.M.**

Notice is hereby given of a Meeting of the City Council of Sealy to be held on the abovementioned date, time, and location for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

A. Call to Order

B. Invocation and Pledges of Allegiance

C. Roll Call and Certification of a Quorum

D. Petition(s) and Public Comments

Individuals shall have three (3) minutes to speak.

E. Discussion and Possible Action to Approve the agenda order or reorder

F. Proclamation(s)

None

G. Consent Agenda

(In accordance with Sec. 2-35. (1) of the Code of Ordinances, "Routine matters thought to require little or no deliberation by city council may be placed on a consent agenda, which shall be treated as one agenda item." At any time prior to the call for a vote on the consent agenda, any council member may request that one or more items may be removed from the consent agenda and handled separately in the same manner as a regular agenda item.)

- **May 29, 2025 Special Meeting Minutes**
- **June 3, 2025 Regular Meeting Minutes**
- **Adding a New Article VIII of Chapter 42 Adopting the Collection Box Ordinance
(Second of two readings)**
- **Approving a Resolution for the SEDC Expenditure of Funds using a Business Incentive for Jeff Trevino and the 222 Sealy, LLC (The Trevino Project) to Promote New and Expanded Business Development
(Second of two readings)**

H. Presentation(s)

None

I. Business

1. Discussion and Possible Action regarding Approving Amendments to the Trevino Project Performance Agreement.

2. Discussion and Possible Action regarding Potential Engineering Task Order for W Front Street Sewer Replacement, identified in the Capital Improvement Plan.
3. Discussion and Possible Action regarding Potential Task Order for Assessment and Repairs to the Police Department.
4. Discussion and Possible Action regarding Final Pay Request and Set Warranty Date for Hwy 36 Lift Station.
5. Discussion and Possible Action regarding Strand Task Order 25-04 Seventh Street Water Line and Roadway Improvements.
6. Discussion and Possible Action regarding Approving Financial Report for the Month Ending April 2025:
 - General Ledger vs Actuals
 - Fund Balance
 - Sales Tax Report
 - Check Register
7. Discussion and Possible Action regarding Approving a Contract with BrooksWatson and Co., PLLC for Audit Services
8. Discussion and Possible Action regarding Resolution of Support for Texas Department of Transportation Feasibility Study for Relief Route.
9. Discussion and Possible Action regarding Approving Mass Gathering Ordinance Amending Chapter 66 of the Code of Ordinances.
(First of two readings)
10. Discussion and Possible Action regarding Approving Amending the Master Fee Schedule Ordinance.
(Second of two readings)
11. Discussion and Possible Action regarding An Ordinance of the City of Sealy, Texas, Establishing No Parking/Tow Away Zones on San Felipe Rd., Sealy Rd., Garland St., and Downey Rd. within the City of Sealy.
12. Discussion and Possible Action regarding Reimbursement of Sewer Tap Replacement Fee.
13. Discussion and Possible Action regarding Amending Boards and Commissions Policy.
14. Discussion and Possible Action regarding Approving a Personal Services Agreement with Michael Baxter of Texas Festival & Tourism Consulting to provide Festival Consulting Services.

J. EXECUTIVE SESSION: A closed meeting will be held concerning the following item(s):

a) **Texas Government Code, Section 551.071, CONSULTATION WITH ATTORNEY: A governmental body may conduct a private consultation with its attorney when the governmental body seeks the advice of its attorney about: pending or contemplated litigation; or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.**

- **Disannexation Petitions**

b) **Section 551.072, DELIBERATIONS REGARDING REAL PROPERTY: A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

c) **Texas Government Code, Section 551.074, Personnel Matters: To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

- **Chief of Police Position**
- **Pay Scale**

15. Reconvene into regular session and consider action, if any, on items discussed in Executive Session.

16. Discussion and Possible Action regarding Purchasing Property from TxDOT

17. Reports or Requests from the City Manager and Discussion:

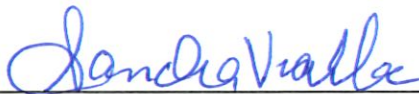
- Chapter 29 – Downtown District

18. Reports, Announcements, or Requests from Councilmembers.

K. Adjourn

CERTIFICATION

I, Sandra Vrabec, City Secretary of the City of Sealy, do hereby certify that the above notice of the City of Sealy, Texas, City Council, was posted in a place convenient to the general public in compliance with Chapter 551, of the Texas Government Code, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting as well as on required website(s).



Sandra Vrabec, City Secretary

F. Proclamation(s)

None

G. Consent Agenda



**MINUTES
SEALY CITY COUNCIL
CITY COUNCIL CHAMBERS
415 MAIN STREET
SEALY, TX 77474
THURSDAY, MAY 29, 2025
6:00 P.M.**

The City Council of the City of Sealy, Texas, conducted the meeting scheduled for May 29, 2025, at 6:00 p.m., at the Sealy City Council Chambers located at 415 Main Street, Sealy, Texas, 77474.

A. Call to Order

Mayor Bilski called the meeting to order at 6:01 p.m.

B. Invocation and Pledges of Allegiance

Mayor Bilski gave the Invocation and led the Pledges of Allegiance

C. Roll Call and Certification of a Quorum

Present:

Carolyn Bilski
Dee Anne Lerma
Chris Noack
Bradley Miller
Theadra Curry
Edward Zapalac

Mayor
Councilmember, Place 1, Mayor Pro Tem
Councilmember, Place 2
Councilmember, Place 3
Councilmember, Place 4
Councilmember, Place 5

Absent:

Adam Burttschell

Councilmember, Place 6

A quorum was declared present.

Staff Attending:

Kimbra Hill, City Manager
Sandra Vrablec, City Secretary
Tim Kirwin, City Attorney
Jennifer Matura, Finance Director
Jay Reeves, Police Chief
Scott Riske, Police Captain
Russell Grimes, Police Admin Sergeant
Patrick Parsons, Public Works Director
Bill Atkinson, EDC Director
Fawn Mackey, Court Administrator
James Shelton, Police Officer
Tony Fourroux, Police Officer Lieutenant

D. Petitions(s) and Public Comments

Travis Abel, Agenda Item F
Diane Abel, Agenda Item F
Diane Bartlett, Agenda Item F
Sharon Janicek, Agenda Item F
Sandy Scarborough, Agenda Item F
Suzanne Bozeman, Agenda Item F
Janet Newbill, Agenda Item F
Jim Brooks, Agenda Item F
Chuck Easterling, Agenda Item F
Donna Preibisch, Agenda Item F
Candy Easterling, Agenda Item F
Sheila Koy, Agenda Item F
Keith Oliver
Thomas Smaistrla, Agenda Item F
Andrew Tirey, Agenda Item F
John Bird, Agenda Item F
Jessica Garza, Agenda Item F
Mark and Trish Sams

E. Discussion and Possible Action to Approve the agenda order or reorder

A motion was made by Councilman Zapalac to Approve the agenda order.
Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

F. PUBLIC HEARING: Notice of a Public Hearing on Placement of City Sidewalks. The City of Sealy will hold a Public Hearing on the Placement of City Sidewalks on Main Street, to be held on May 29, 2025, at 6:00 p.m. in the City Council Chamber at 415 Main Street. All interested persons shall be given an opportunity to be heard for or against the Proposed Sidewalk Placement.

Mayor Bilski opened the Public Hearing at 6:04 p.m.

Jim Brooks spoke about how everyone on Main Street opposed the sidewalks and requested in lieu of all signed up for public comment, those who agreed with his statement to raise their hand.

Mayor Bilski closed the Public Hearing at 6:09 p.m.

G. Proclamation(s)

None

H. Consent Agenda

(In accordance with Sec. 2-35. (1) of the Code of Ordinances, "Routine matters thought to require little or no deliberation by city council may be placed on a consent agenda, which shall be treated as one agenda item." At any time prior to the call for a vote on the consent agenda, any council member may request that one or more items may be removed from the consent agenda and handled separately in the same manner as a regular agenda item.)

- **May 6, 2025, Workshop**
- **May 6, 2025, Special Meeting Minutes**
- **May 6, 2025, Regular City Council Minutes**
- **Discussion and Possible Action to Concur in the Mayor's Appointments of Individuals to serve on the Parks Board.**
- **Discussion and Possible Action to Concur in the Mayor's Appointments of Individuals to serve on the Planning Commission Board.**
- **Discussion and Possible Action to Concur in the Mayor's Appointments of Individuals to serve on the Sealy Economic Development Corporation Board.**
- **Discussion and Possible Action to Concur in the Mayor's Appointments of Individuals to serve on the Tax Increment Reinvestment Zone #2 Board (TIRZ #2).**
- **Discussion and Possible Action regarding the Approval of a Resolution to Adopt the City of Sealy's Tax Abatement Guideline and Criteria.**

A motion was made by Councilwoman Lerma to Approve the Consent Agenda.
Councilwoman Curry seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

I. Presentation(s)

None

J. Business

1. **Discussion and Possible Action regarding Strand Task Order for Completing and Submitting a Detailed Application for the TxDOT Transportation Alternative Program.**

A motion was made by Councilwoman Curry to move this to the June 3rd meeting and, at this time, to rescind the Resolution 2025-13 and Disapprove the Task Order.
Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

AYE: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

2. Presentation, Discussion, and Possible Action regarding Final Approval of Engineering Design for the TxDOT Loop 350 at State Highway 36 Project Approved by Resolution of Support on March 19, 2024.

A motion was made by Councilwoman Lerma to table this agenda item. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

3. Administer the Statement of Officer Oath and Oath of Office to Newly Elected Officers.

No action was taken.

The Statement of Officer Oath and Oath of Office were administered before the meeting.

4. Discussion and Possible Action regarding City-Wide Event for All for One Festival to be held at the Jacqueline Cryan Park on June 28, 2025.

No action was taken.

5. Discussion and Possible Action regarding Professional Services Agreement with Scott Maddux for Architectural Services.

A motion was made by Councilman Zapalac to Approve a Professional Services Agreement with Scott Maddux for Architectural Services. Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

6. Discussion and Possible Action regarding Strand Change Order No. 2 for the Irene LeBlanc Splash Pad.

A motion was made by Councilwoman Lerma to Approve Strand Change Order No. 2 for the Irene LeBlanc Splash Pad. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

7. Discussion and Possible Action regarding Resolution of Support for Texas Department of Transportation Feasibility Study for Relief Route.

A motion was made by Councilwoman Lerma to table this agenda item. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

8. Discussion and Possible Action regarding a Resolution to Adopt Financial Management Policy.

A motion was made by Councilwoman Lerma to Approve the Resolution to Adopt Financial Management Policy. Councilwoman Curry seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

9. Discussion and Possible Action regarding the Financial Report for the Month ending March 31, 2025:

- **General Ledger vs Actuals**
- **Fund Balance**
- **Sales Tax Report**
- **Check Register**

A motion was made by Councilman Miller to Approve the Financial Report for the Month ending March 31, 2025. Councilwoman Curry seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

10. Discussion and Possible Action regarding a Resolution to Accept Auditor's Findings and Management's Corrective Action Plan.

A motion was made by Councilwoman Lerma to Approve the Resolution to Accept Auditor's Findings and Management's Corrective Action Plan. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

11. Discussion and Possible Action regarding a Resolution to Authorize the Police Department to Apply for Motor Vehicle Crime Prevention Authority Grant Funds.

A motion was made by Councilwoman Lerma to Approve. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

12. Discussion and Possible Action regarding Strand Task Order for Phase 1 Additional Parking at B&PW Park.

A motion was made by Councilwoman Lerma to Approve a Strand Task Order for Phase 1 Additional Parking at B&PW Park. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry
NOES: Zapalac

The motion carries.

13. Discussion and Possible Action regarding Approving Amendments to the HOT Funds Policy.

A motion was made by Councilman Zapalac to Approve Amendments to the HOT Funds Policy. Councilwoman Curry seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

14. Discussion and Possible Action regarding Adopting Police Department Policies.

A motion was made by Councilman Zapalac to Approve Adopting Police Department Policies.

Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

K. Presentations by Staff and Discussion of:

- **Fiscal Year 2025-2026 Budget Priorities and Requests**
 - a) **Public Works Director**
 - b) **Municipal Court Administrator**
 - c) **Finance Director**
 - d) **Assistant City Manager: Planning Department**
 - e) **Chief of Police**
 - f) **City Secretary**
 - g) **EDC/CVB Director**
 - h) **City Manager**

15. Discussion and Possible Action regarding City Council's Fiscal Year 2025-2026 Budget Priorities.

No action was taken.

16. Discussion and Possible Action regarding Approving Amendments to the Personnel Policy for:

- **4.1 Vacation**
- **3.7 Separation Pay**
- **4.2 Sick Leave**
- **2.14 Initial Evaluation**

A motion was made by Councilman Zapalac to table this agenda item.

Councilman Miller seconded the motion.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

17. Discussion and Possible Action to Approve Pay-Out of Vacation Leave in compliance with Personnel Policy.

A motion was made by Councilman Zapalac to table this agenda item. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

L. Executive Session: A closed meeting will be held concerning the following item(s):

- a) **Texas Government Code, Section 551.072, Deliberation Regarding Real Property; Closed Meeting:** A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

No action was taken.

18. Reconvene into regular session and consider action, if any, on items discussed in Executive Session.

No action was taken.

19. Discussion and Possible Action regarding Purchasing Property from Texas Department of Transportation.

No action was taken.

20. Reports or Requests from the City Manager and Discussion.

- **Splash Pad Update**

21. Reports, Announcements, or Requests from Councilmembers.

Councilman Burttschell

Absent

Councilman Zapalac

Great job on the Splash Pad. I went into the Sherwin-Williams, we like tax sales, tax driving businesses, and you're not gonna walk out without a gallon of paint for at least 30 bucks. And so that's a lot more than a drink or a burger. So one thing they told me was is people keep telling them we didn't realize you were open, so make sure your friends and neighbors know to spend their money at the new Sherwin-Williams. So we collect a little more sales tax, it's open.

Councilwoman Curry	Thank you to the Finance Director for putting this slideshow together. I know it's a lot of hard work doing that, and I know you wear several different hats, and kudos to you for being Queen of the Hill here. And to Kimbra for explanation of everything. So I'm just excited about what's happening here.
Councilman Miller	Echo the same comments on the Splash Pad. It was a great environment. Sorry, I couldn't be there for the ribbon cutting today.
Councilman Noack	Ditto. I'll start off with the positive.
Councilwoman Lerma	I am excited about the Splash Pad too. Thanks to everyone. I know it took a lot of people to pull that off, so Thank You so much. Its. Been a long time coming. Add I, too, have been to Sherwin-Williams. I think I spent my last whole entire paycheck there over the last week. So I'm doing a lot of remodeling. I'm excited about them being here as well. The only thing, the only request I have is again, and I think Bill mentioned it too, is reviewing that Downtown Ordinance and specifically with regards to signage is what I'm interested in.
Mayor Bilski	I'm gonna add to that downtown, he had mentioned the other day that there are some cities have a vacant building ordinance and that we need to look into that because like I said, it's a little depressing. Some of the buildings from the front don't look good at all, and they're just used for storage. So anything you can do. And then I know you have a legal list that y'all are working on, and if we can just grab a couple of those ordinances and push those things through that were on our priority list.

M. Adjourn

A motion was made by Councilwoman Lerma to adjourn.
Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried. The City Council meeting adjourned at 9:26 p.m.

PASSED AND APPROVED this 17th day of June 2025.

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrabec, City Secretary



**MINUTES
SEALY CITY COUNCIL
CITY COUNCIL CHAMBERS
415 MAIN STREET
SEALY, TX 77474
TUESDAY, JUNE 3, 2025
6:00 P.M.**

The City Council of the City of Sealy, Texas, conducted the meeting scheduled for June 3, 2025, at 6:00 p.m., at the Sealy City Council Chambers located at 415 Main Street, Sealy, Texas, 77474.

A. Call to Order

Mayor Bilski called the meeting to order at 6:00 p.m.

B. Invocation and Pledges of Allegiance

Mayor Bilski gave the Invocation and led the Pledges of Allegiance

C. Roll Call and Certification of a Quorum

Present:

Carolyn Bilski	Mayor
Dee Anne Lerma	Councilmember, Place 1, Mayor Pro Tem
Chris Noack	Councilmember, Place 2
Bradley Miller	Councilmember, Place 3
Theadra Curry	Councilmember, Place 4
Edward Zapalac	Councilmember, Place 5

Absent:

Adam Burttschell	Councilmember, Place 6
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A quorum was declared present.

Staff Attending:

Kimbra Hill, City Manager
Sandra Vrablec, City Secretary
Tim Kirwin, City Attorney
Jennifer Matura, Finance Director
Chris Hudson, Police Captain
Patrick Parsons, Public Works Director
Mike Barrow, Assistant City Manager
Bill Atkinson, EDC Director
Katherine Ellis, EDC Secretary

D. Petitions(s) and Public Comments

No one signed up to speak.

E. Discussion and Possible Action to Approve the agenda order or reorder

A motion was made by Councilman Zapalac to Approve the agenda order.
Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

F. Proclamation(s)

None

G. Consent Agenda

(In accordance with Sec. 2-35. (1) of the Code of Ordinances, "Routine matters thought to require little or no deliberation by city council may be placed on a consent agenda, which shall be treated as one agenda item." At any time prior to the call for a vote on the consent agenda, any council member may request that one or more items may be removed from the consent agenda and handled separately in the same manner as a regular agenda item.)

None

H. Presentation(s)

- **2025 Street Pavement Assessment Study by Mike Barrow, Assistant City Manager, and Jared Engelke with Strand and Associates**
- **Fiscal Year 2025-2026 Budget Priorities and Request from Assistant City Manager**

I. Business

1. Discussion and Possible Action to Elect a Mayor Pro Tem.

A motion was made by Councilwoman Curry to Elect Councilwoman Lerma to Mayor Pro Tem.

Councilman Noack seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried.

2. Discussion and Possible Action regarding Approving the Investment Report for the Quarter ending March 31, 2025.

A motion was made by Councilwoman Lerma to Approve the Investment Report for the Quarter ending March 31, 2025.

Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

3. Discussion and Possible Action regarding a Business Incentive for the Trevino Project with Sealy EDC Funding and a Performance Agreement for Business Interior Improvements in an amount not to exceed \$15,000.

A motion was made by Councilwoman Lerma to Approve the Business Incentive for the Trevino Project with Sealy EDC Funding and a Performance Agreement for Business Interior Improvements in an amount not to exceed \$15,000.

Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

4. Discussion and Possible Action regarding a Resolution for the Trevino Project.

A motion was made by Councilwoman Lerma to Approve a Resolution for the Trevino Project. This is the first of two readings.

Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

5. Discussion and Possible Action regarding a Task Order No. 25-01 with Strand Associates for a Jacqueline A. Cryan Memorial Park Pond and Path Lighting Project.

A motion was made by Councilman Zapalac to Approve Task Order No. 25-01 with Strand Associates for a Jacqueline A. Cryan Memorial Park Pond and Path Lighting Project.

Councilwoman Curry seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

- 6. Discussion and Possible Action to Rescind Resolution 2025-13 A Resolution of the City of Sealy, Texas, Approving, Memorializing, and Ratifying Applications for 2025 Transportation Alternatives Set-Aside (TA) Program with the Texas Department of Transportation (TxDOT), Whereby Staff has Applied for Funding for the Construction and Improvement of Sidewalks for Highway 36, FM 2187, and Main Street.**

A motion was made by Councilwoman Lerma to Rescind Resolution 2025-13. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

- 7. Discussion and Possible Action regarding the Approval of Ordinance Chapter 42 for Collection Boxes.
(First of two readings)**

A motion was made by Councilman Zapalac to Approve Ordinance Chapter 42 for Collection Boxes. This is the first of two readings.

Councilwoman Lerma seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

- 8. Discussion and Possible Action regarding Amending Ordinance for the Master Fee Schedule for:
(First of two readings)**

- **Collection Box Permit Fee**

A motion was made by Councilwoman Lerma to Amend Ordinance for the Master Fee Schedule. This is the first of two readings.

Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac

NOES: None

The motion carried.

I. EXECUTIVE SESSION: A closed meeting will be held concerning the following item(s):

- a) Texas Government Code, Section 551.074, Personnel Matters: To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

- **Public Works Director**

A motion was made by Councilwoman Lerma to recess into Executive Session. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried. The City Council entered into Executive Session at 6:39 p.m.

9. Reconvene into regular session and consider action, if any, on items discussed in Executive Session.

The City Council reconvened into Open Session at 6:51 p.m.

A motion was made by Councilman Zapalac to Approve City Manager's recommendation. Councilman Miller seconded the motion. Mayor Bilski called for the vote.

The motion carried.

10. Reports, Announcements, or Requests from Councilmembers.

Mayor Bilski	None
Councilwoman Lerma	None
Councilman Noack	None
Councilman Miller	None
Councilwoman Curry	None
Councilman Zapalac	Park Land Fund Balance Status
Councilman Burttschell	Absent

J. Adjourn

A motion was made by Councilwoman Lerma to adjourn.
Councilman Miller seconded the motion. Mayor Bilski called for the vote.

AYES: Bilski, Lerma, Noack, Miller, Curry, Zapalac
NOES: None

The motion carried. The City Council meeting adjourned at 6:53 p.m.

PASSED AND APPROVED this 17th day of June 2025.

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrablec, City Secretary



Meeting Date: June 17, 2025

Agenda Items _____ – Consent Agenda – Adding a New Article VIII of Chapter 42 Adopting the Collection Box Ordinance.

Prepared by: Mike Barrow, Assistant City Manager

SUMMARY:

Donation or Collection boxes have a tendency to invite nuisance dumping of items left outside of collection boxes. This ordinance creates requirements for the regulation and permitting of collection boxes in order to prevent nuisances, reduce visual clutter and the disposal of unwanted personal property.

The Master Fee Schedule changes include permit fee of \$75.00 and \$50.00 each additional collection box. Each box will require a medallion (sticker) issued by the Planning Department to be affixed to the collection box to show that the collection box is permitted.

FINANCIAL IMPACT:

NA

RECOMMENDATION:

Recommend approval of the Collection Box Ordinance for Chapter 42.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, ADDING A NEW ARTICLE VIII OF CHAPTER 42 OF THE CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR DONATION BOXES; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Sealy, Texas, ("City") finds that adding rules and regulations for donation boxes is for the good of the government and protects the health and safety of citizens and visitors;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The facts and recitations contained in the preamble to this ordinance are true and correct and incorporated herein for all purposes.

Section 2. A new Article VIII of Chapter 42 of the City of Sealy Code of Ordinances is added to read as follows:

"CHAPTER 42 – HEALTH AND SANITATION

* * * * *

ARTICLE VIII. – DONATION BOXES

Sec. 42-151. Purpose.

The is purpose of this article is to promote the public health, safety and welfare and to preserve the value of real property by adopting regulations to control the placement and maintenance of unattended donation boxes in order to prevent nuisances, reduce visual clutter and the improper disposal of unwanted personal property.

Sec. 42-152. Definitions.

As used in this article:

- (1) "Unattended donation box" or "UDB" means an unattended box, bin, container, dumpster or similar receptacle that is placed outdoors at a location visible from

a public place for the purpose of soliciting, receiving and/or temporarily storing donated food, clothing, shoes, toys or other items of personal property.

- (2) "Director" means the director of planning or the director's designee for the administration and enforcement of this article.
- (3) "Residential property" means property used or restricted to use for one- or two-family dwellings, including townhomes or duplexes. The term does not include apartments or other similar multifamily properties with three or more dwellings per building.

Sec. 42-153. Violations; penalty.

- (a) A person who violates a provision of this article, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense for each and every day during which a violation is committed, permitted, or continued.
- (b) The provisions of this article are intended to protect public health and promote sanitation by preventing unlawful dumping or the establishment of conditions that attract unlawful dumping. An offense under this article is punishable by a fine of not more than \$2,000.00.

Sec. 42-154. Permit required.

- (a) A person commits an offense under this article if the person places a UDB within the corporate limits of the city without obtaining a permit for its operation.
- (b) The owner or another person in effective control of real property commits an offense under this article if the person allows an unpermitted UDB to remain on property under the person's control after having notice that the UDB has not been permitted for the location.

Sec. 42-155. Permit application.

- (a) To obtain a UDB permit a person must submit an application on a form provided for that purpose to the director. A single application may cover multiple UDB's that are owned and operated by the applicant. The application must contain the following:
 - (1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.
 - (2) The address of the premises where each UDB will be placed.
 - (3) The written consent of the owner, manager, lawful occupant, or authorized agent of the premises where each UDB will be placed.
 - (4) A site plan showing the proposed location where each UDB will be placed on the property and a drawing depicting the dimensions of the UDB. The location must be well lighted for visibility at all hours of the day or night. A map or satellite photo showing the location in sufficient detail to determine if the location will conform to the requirements of this article will satisfy the requirement of a site plan.
 - (5) A certificate of insurance reflecting the commercial general liability insurance coverage required by this article.
 - (6) Pay a UDB permit fee as set forth by city council in a schedule of fees for each UDB permit medallion issued under the permit. The fee for additional UDB permit medallions under the permit shall be set forth by city council in a schedule of fees whether filed contemporaneously with the permit application or after the original permit application.
- (b) A UDB permit is site specific and does not authorize the transfer of a UDB from a permitted site to a site not covered by the permit. Where multiple sites have been permitted under one permit a UDB bearing a valid medallion associated with the permit may be moved from one permitted site to another as long as the placement of the UDB otherwise conforms to the requirements of this article.

Sec. 42-156. Issuance and display of permit medallion.

- (a) The director shall issue a permit medallion or sticker to be affixed to the side of each UDB that is permitted under this article. The medallion must be visible to the public and any UDB not displaying a valid permit medallion is in violation of this article.
- (b) A UDB permit is valid for one calendar year and expires on December 31 of the year issued. A UDB permit may be renewed from year to year.

Sec. 42-157. UDB regulations.

- (a) A UDB may only be placed or maintained on commercial property with an active commercial tenant and must be removed from the property within 30 days of the date on which all active commercial activity ceases. A UDB may not be placed on

unimproved or unoccupied property. A UDB may not be placed on residential property or within 50 feet of the property line of an adjacent residential property.

- (b) Every UDB owner/operator must at all times maintain commercial general liability insurance with coverage of not less than \$1,000,000.00.
- (c) Generally only one UDB per property will be allowed, except that one additional UDB may be permitted on a property with more than 300 feet of road frontage. Where two UDBs are permitted on the same property they must be arranged side-by-side with no more than 12 inches of separation. For the purposes of this paragraph a shopping center, strip center, office park or other similar commercial property operated with common access and shared parking or interconnected parking areas is considered a single property.
- (d) No UDB may be placed on any property without the written consent of the property owner, manager, lawful occupant or an authorized agent thereof. All UDB's shall be set back at least forty (40) feet from any public street, road, alley, or highway.
- (e) No UDB may be placed within a public easement or right-of-way, within a fire lane, within a visibility triangle or at any other location that will cause an unsafe obstruction of view for pedestrian or vehicular traffic.
- (f) A UDB may not exceed 175 cubic feet in container volume or be more than seven feet in height or more six feet in width on any side. Every UDB must display the operator's name, address and phone number on the front of the UDB in clearly legible text at least two inches tall, together with any other information required by state law. A statement identifying the kind of goods accepted for donation should appear on the face of the UDB as well as a statement that all donated goods must be placed inside the UDB and prohibiting persons from leaving goods on or adjacent to the UDB.
- (g) Every UDB must be placed on a concrete or asphalt surface accessible by a motor vehicle. A UDB may be placed in a parking lot stall if at least ten parking stalls remain available for vehicle parking. A UDB may not be placed in a parking lot at a location that would obstruct the ordinary movement of vehicles through the lot.
- (h) Every UDB must be secured from unauthorized access and designed with a one-way door or receiving chute to allow goods to be deposited into the UDB in a manner that prevents unauthorized persons from removing the contents. The door or receiving chute must be faced away from the street and toward the interior of the property.
- (i) Every UDB must be maintained in a good state of repair free from graffiti, peeling paint, dents, damage, or defects other than ordinary wear and tear. All notices required to appear on the UDB must be clearly legible at all times. A UDB that does not conform to this requirement must be promptly repaired or removed. Repair or removal of any and all nonconformities identified in this paragraph must be made within seven days or the nonconformity shall constitute a violation of this article.
- (j) Every UDB must be fully emptied at least once each week and regardless of their condition all personal property items deposited at the UDB must be removed from the premises. Items not deemed suitable for reuse must be removed and disposed of in a lawful manner.

(k) Donated items that cannot be fully contained within a UDB may not be placed or permitted to remain on the ground adjacent to a UDB and must be promptly removed by the permit holder."

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 4. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. Effective Date. This ordinance shall become effective immediately upon second reading and enforceable in municipal court when published as required by law.

PASSED AND APPROVED at this first reading on the _____ day of _____ 2025.

PASSED, APPROVED AND ADOPTED at this second reading on the _____ day of _____ 2025.

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrabec, City Secretary

RESOLUTION 2025-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, APPROVING THE SEALY ECONOMIC DEVELOPMENT CORPORATION'S EXPENDITURE OF FUNDS USING A BUSINESS INCENTIVE FOR JEFF TREVINO AND THE 222 SEALY, LLC (THE TREVINO PROJECT) TO PROMOTE NEW AND EXPANDED BUSINESS DEVELOPMENT.

* * * * *

WHEREAS, the Sealy Economic Development Corporation ("SEDC") approved a performance agreement on May 27, 2025, with Jeff Trevino and 222 Sealy, LLC (The Trevino Project) in an amount not to exceed \$15,000.00 to promote new and expanded business development; and

WHEREAS, the City Council finds that the SEDC complied with state law regarding such funding;

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

SECTION 1. The facts and recitations contained in the preamble to the Resolution are true and correct and incorporated herein for all purposes.

SECTION 2. The City Council authorizes the expenditure of funds by the SEDC in an amount not to exceed \$15,000.00 to Jeff Trevino and 222 Sealy, LLC (The Trevino Project) to promote new and expanded business development pursuant to Texas Local Government Code, Section 505.158.

SECTION 3. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 4. That this Resolution shall be in full force upon second reading.

PASSED AND APPROVED ON FIRST READING this 3rd day of June, 2025.

PASSED AND APPROVED ON SECOND READING this 17th day of June, 2025

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrabec, City Secretary

H. Presentation(s)

None

I. Business

Item #1



SEALY CITY COUNCIL AGENDA ITEM No. 1.1 Discussion and possible action to approve an edit to the Trevino Project Performance Agreement.

SUBMITTED BY: Sealy Economic Development and Tourism Staff

MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

During the City Council meeting on June 3, 2025, the Trevino Project and its performance agreement received approval. The Sealy EDC Staff are now requesting edits that better provide a cleaner, more efficient version of this agreement.

ANALYSIS

The Sealy EDC staff requests a review and approval of proposed edits to the previously approved performance agreement. The agreement has not yet been executed, as we are still in the stage of potential approval for the resolution. These revisions streamline the agreement and clean up redundant wording.

The key changes include:

- **Certificate of Occupancy:** The Certificate of Occupancy will now be required in Benchmark 1 instead of Benchmark 2.
- **Removing redundant language:** Wording regarding the six full-time employees has been removed from Benchmark 1, as this requirement is already stipulated in Benchmark 2.

The overall intent of these edits is to enable the building owner to receive reimbursement upon the completion of work and investment. Employee full-time hires will be assessed twelve months from the issuance of the Certificate of Occupancy for the new Italian Restaurant. These edits result in a cleaner, more efficient version of the agreement terms.

LEGAL REVIEW

The proposed edits were reviewed by our EDC Legal Counsel.

FINANCIAL IMPACTS

Based on edits, the reimbursement of \$15,000 of EDC funds to the building owner is projected for payment in November-December of 2025, instead of November-December of 2026.

ATTACHMENTS

A redline of the performance agreement edits.

RECOMMENDATION

City staff recommends approval of the Trevino Project performance agreement edits.

**ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT
BETWEEN THE SEALY ECONOMIC DEVELOPMENT CORPORATION
AND JEFF TREVINO AND 222 SEALY, LLC**

STATE OF TEXAS §
 §
COUNTY OF AUSTIN §

This Economic Development Performance Agreement (the "Agreement") is between the Sealy Economic Development Corporation, a Section 4B corporation created pursuant to the authority of the Development Corporation Act of 1979, as amended ("EDC"), and Jeff Trevino and 222 Sealy, LLC ("Building Owner"), and hereinafter sometimes collectively referred to as the "Parties." The project is referred to as the Trevino Project

RECITALS

WHEREAS, this Agreement is intended to encourage and promote new or expanded business development and stimulate employment in the City of Sealy, Texas ("Sealy") and the surrounding area; and

WHEREAS, pursuant to Texas Local Government Code Section 505.158 of the Development Corporation Act, the EDC may execute performance agreements with certain business enterprises to provide funding or make expenditures of public subsidies on behalf of a business enterprise in furtherance of permissible economic development projects; and

WHEREAS, Building Owner has requested and the EDC desires to provide financial assistance for business development expenditures including business interior improvements, which will be located at 222 & 224 Fowlkes Street ("Property") to provide funding for building improvements including: completing the kitchen installation, electrical, plumbing, fixtures, lighting, built-ins, bar rails, a kitchen vent hood (fans and filtration), fire suppression system, and other associated expenses to promote new and expanded business development.

WHEREAS, the EDC finds the Project is appropriate pursuant to Texas Local Government Code Chapter 505, Subchapter D, Section 505.158; and

WHEREAS, the EDC finds it is duly authorized by the Constitution and laws of the State of Texas to enter into this Agreement; and

WHEREAS, the commitments contained in this Agreement shall become legally binding obligations enforceable against the Parties upon the EDC and Building Owner approving and executing this Agreement; and

WHEREAS, the Recitals as set forth above are declared true and correct and are hereby incorporated as part of this Agreement;

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual benefits and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the EDC and Jeff Trevino, and 222 Sealy, LLC agree as follows:

DEFINITIONS

Benchmark means all the performance criteria requirements outlined in this Agreement, which the Building Owner must satisfy in order to qualify for the SEDC Grant.

Grant means the economic development funds the SEDC tenders to the Building Owner in an amount not to exceed \$15,000.00 (FIFTEEN THOUSAND DOLLARS AND NO/100s), subject to the Building Owner's compliance with the terms and conditions of this Agreement. Otherwise, the Grant proceeds shall accrue interest until repaid in accordance with the terms of this Agreement.

Full-time employees shall mean permanent, full-time employment position that results in actual paid employment on the Property of at least one thousand, eight hundred and twenty (1,820) hours per position in a year.

Improvements shall mean those certain public improvements which increase the appraised value that may result from the upgrading, construction, alteration, or installation of buildings, structures, fixed machinery, equipment, and/or personal property.

Undocumented worker shall mean an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States.

TERMS

1.1. Grant. The EDC agrees to tender a grant in an amount not to exceed \$15,000.00 to Building Owner for business development expenditures that promote economic development for restaurant and bar facility, which will be located at 222 & 224 Fowlkes Street to provide funding for building improvements including: completing the kitchen installation, electrical, plumbing, fixtures, lighting, built-ins, bar rails, a kitchen vent hood (fans and filtration) fire suppression system, and other associated expenses to promote new and expanded business development. The total capital investment for the Trevino project will be at least \$30,000.00.

a. Benchmark 1: Building Owner shall:

Complete interior improvements, the kitchen installation, electrical, plumbing, fixtures, lighting, built-ins, bar rails, a kitchen vent hood (fans and filtration), fire suppression system, and other associated expenses to promote new and expanded business development of the Trevino Project. The total capital investment for the Trevino Project shall be at least \$30,000.00. ~~The building owner shall lease to a business that will ensure the job creation and retention of at least two (6) full-time employees/jobs for at least twelve (12) months after receiving a certificate of occupancy from the City of Sealy, Texas, which must all occur on or before December 15, 2025. In addition, the building owner shall receive a Certificate of Occupancy from the City of Sealy, Texas, which must occur on or before December 15, 2025.~~

If Benchmark 1 is completed timely, EDC shall pay Building Owner \$15,000.00 within forty-five (45) days of receiving a copy of receipts showing total capital investment of \$30,000.00.

b. Benchmark 2: Building Owner shall:

Retain building ownership and to not sell or assign such building to another person or entity for two (2) years. The building owner shall lease to a business that will ensure the job creation and retention of at least two (6) full-time employees/jobs for at least twelve (12) months after receiving a certificate of occupancy from the City of Sealy, Texas.

Retention of jobs will be verified by the EDC by means of proof to be determined at the discretion of the EDC Executive Director or Board President.

c. Extensions: The EDC Executive Director or Board President may extend any timeframes in this Section 1.1. for good cause, but in no event shall the Executive Director or Board President be authorized to grant an extension for longer than six (6) months. Good cause includes but is not limited to local, state, or federal economic restrictions or regulations that impose difficulty in operating its business.

d. Modifications: Any modifications must first receive approval from the Executive Director or Board President. The terms of this agreement may be revised at the discretion of the EDC Executive Director or Board President. Additionally, the EDC Executive Director or Board President may bring any possible revision of the terms of the agreement to the attention of the EDC Board and Council for their review and/or approval. The Executive Director or Board President may require EDC and City Council approval of a request for modification. Failure to obtain such approval prior to making any such modifications could render the applicant ineligible to receive grant funding. Any modifications that result in legal fees, which may be incurred as a result of any legal action required to amend the performance agreement, will be the responsibility of the grant recipient.

1.2. Proof of Proper Expenditure. As a condition of this Agreement, within ninety (90) days from completion of work, Building Owner shall provide the EDC with a copy of proof of paid receipt(s) demonstrating the use of the grant funds provided in paragraph 1.1. a.

1.3. No Assumption. By executing this Agreement, the EDC assumes no obligation, duty, or other responsibility with regard to any duty, right, obligation, liability, or responsibility associated with the Trevino Project for which Building Owner is responsible, nor does the EDC assume any legal liability for any action, duty, right, obligation, or responsibility of Building Owner or its successors or assigns by virtue of the execution of this Agreement.

1.4. Completion. This Agreement shall be deemed complete upon (1) the EDC tendering its grant to Building Owner, or upon Building Owner's request, tendering the grant to a third-party on behalf of Building Owner, and (2) Building Owner tendering to the EDC copies of receipts or other invoices demonstrating the use of the grant for expenditures relating to the complete the kitchen installation, electrical, plumbing, fixtures, lighting, built-ins, bar rails, a kitchen vent hood (fans and filtration) fire suppression system, and other associated expenses to promote new and expanded business development of the Trevino Project. (3) Once the Building Owner has retained ownership of the building for 2 years in full-time operation, and leased the building(s) to a

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business that has employed 6 full-time employees for 12 months after receiving a certificate of occupancy from the City of Sealy.

1.5. Default and recapture. Building Owner shall be in default under this Agreement if it uses the EDC's grant for any purpose other than for expenditures related to the Trevino Project or fails to complete work in the timeframe set forth herein. In the event of default, Building Owner shall refund any and all grant fund proceeds to the EDC. Upon default, Building Owner shall tender a refund to the EDC within thirty (30) days of the EDC sending a written demand for repayment and recapture. Building Owner shall refund to the EDC any and all grant funds, and reimburse the EDC for all attorney's fees and costs which may be incurred as a result of any legal action required to seek reimbursement of all grant funding received by Building Owner. In the event that an amendment to the executed agreement is requested by Building Owner, any legal fees which may be incurred as a result of any legal action required to amend the performance agreement will be the responsibility of Building Owner.

1.6. Merger. The terms contained in this Agreement represent the final agreement among and between the Parties with respect to the subject matter hereof and may not be contradicted by evidence of prior, contemporaneous, or subsequent oral agreements of the Parties. The Parties agree that by entering into this Agreement, they have not relied upon any representation other than those contained in this Agreement. The Parties agree that they have read this Agreement, sought the advice of counsel, understand the terms of this Agreement, and have executed this Agreement voluntarily.

1.7. Undocumented Workers. Building Owner shall lease to a business at 222 & 224 Fowlkes Street that will not employ undocumented workers, defined as an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States. Building Owner must agree that if, after receiving grant funds, leasee is convicted of a violation under 8 U.S.C. Section 1324a(f), Building Owner shall repay the amount of the grant funds with interest, at the rate of 12% per annum, or the maximum allowed by law, within 120 days after the SEDC notifies Building Owner of the violation. The SEDC shall have the authority to bring a civil action to recover any amounts that the Building Owner must repay the SEDC under this provision, and in such action may recover court costs and reasonable attorney fees.

AGREED AND ACCEPTED:

Sealy Economic Development Corp.

By: _____

Its: President

Date: _____

AGREED AND ACCEPTED:

Building Owner, Jeff Trevino & 222 Sealy, LLC

By: _____

Date: _____

Item #2



AGENDA ITEM NO: 2

SUBMITTED BY: Patrick Parsons, Public Works Director

MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

Discussion and Possible regarding Potential Engineering Task Order for W Front Street Sewer Replacement, identified in the Capital Improvement Plan.

ANALYSIS

Per our discussion, there are two proposed sanitary sewer projects, West Front Street and North 3rd Street Lift Station Force Main, and both were identified in the Utility Master Plan and Impact Fee Study completed a couple of years ago. Remember that North 3rd Sewer Lift Station Improvements were completed several months ago and had to be completed before these two projects could be started.

- **North 3rd Street Sewer Lift Station Force Main Replacement** - This project will replace the existing 6-inch force main with a proposed 12-inch force main from the North 3rd Street Lift Station to the proposed upsized West Front Street Interceptor (below) at the intersection of West Front Street and 8th Street. The project will allow the City to realize the full capacity of the recently upsized North 3rd Street Lift Station (ARPA project); while the project installed a third pump. Operations at the lift station are still limited to one pump at a time because of the existing force main's smaller size. Replacing and upsizing the force main will provide increased capacity within the area's to the North 3rd Street Lift Station, including the Hunters Crossing development and future developments along Highway 36 North and FM 2187.
- **West Front Street Interceptor** - This project will replace the existing 12-inch vitrified clay pipe that is highly susceptible to inflow and infiltration with a 24-inch gravity sanitary trunk sewer along West Front Street from the North 3rd Street Sewer Lift Station's force main discharge at the intersection of West Front Street and 8th Street to just south of the intersection of West Front Street and Overcreek Way. The existing 12-inch gravity sanitary sewer is undersized for the increased sanitary flows from the upsized North 3rd Street Lift Station. Replacing and upsizing this sanitary sewer will result in a reduction of inflow and infiltration, as well as, reduced occurrence of sewer system overflows during high rainfall events. Upsizing the sanitary sewer will provide increased capacity to serve future growth in the City, including the Hunters Crossing development and future developments along Highway 36 North and FM 2187.

The West Front Street Interceptor and North 3rd Street Lift Station's Force Main Replacement projects were anticipated to cost \$3,380,000.

Not considered in the plans were the roadway and drainage of W Front Street in this area. Both are in poor condition and need to be considered, especially with the fact that replacement of both the sewer and water lines will be destructive to the area before both are rebuilt. The roadway has poor to no base material and while the drainage ditch was improved for a short distance on the upper end of W Front near Hwy 90 with the drainage improvements in the neighborhood between W Front Street and Fowlkes Street, the lower end was left in as is condition and every time the ditch is cleaned out, stabilized material is also removed or disturbed just due to the necessary cleanings.

RECOMMENDATION

Staff Recommends review of a Task order with Strand for this project.

FINANCIAL IMPACTS

This will be paid for out of the 2022 Certificates of Obligation.

Item #3



AGENDA ITEM NO: 3

SUBMITTED BY: Mike Barrow, Assistant City Manager

MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

Discussion and Possible Action regarding Authorizing Staff to bring an Engineering Task Order to City Council on July 1 for Assessment and Repairs of the Police Department.

ANALYSIS

For a number of years, the police department building has continued to have issues with the HVAC systems to the extent that various rooms have high humidity and rooms within the same temperature zones heat and cool inconsistently. Mold accumulation is common on walls in multiple places including, but not limited to, the training room and kitchen. Many mornings, the floors in various rooms are slippery from the humidity and condensation, and condensation has been known to drip from the ceiling tiles in the training room due to humidity. The building was initially designed to be 22,000 sqft, but the building ended up 10,000 sqft. Because of changes in building and room sizes and changes to wall locations from initial designs, it is unknown whether or not heating, cooling and return air load calculations for sizing equipment appropriately, internal heat gains, ductwork design, and thermostat placements were reconsidered appropriately, but there are obvious issues that have continued and caused damages to the building.

I toured the building with Captain Riske and Captain Hudson and you can feel the humidity differences in the rooms and you can feel the floors in different rooms with some floors being dry and some being wet from the humidity. It is not uncommon to come into the training room and wipe tables that are wet from condensation. Metal handles in the kitchen, training room and other rooms are rusting, paper jams are common in printers due to the humidity.

Kilgore Services has performed work on the HVAC Systems at the fire department (Austin County Emergency Services District) and the police department buildings. The relevance is that both buildings were designed by PGAL, who are both architects and engineers, and constructed by Drymalla Construction Company, and both buildings were constructed at the same time. Walking through both buildings, the buildings' designs use the same methods of design and construction for HVAC and ventilation. The fire department has had similar issues but not to near the extent the police department has. Multiple air conditioning repair/maintenance companies have looked at it and either couldn't identify the issue sufficiently to fix the problem or wanted payment to study the problem.

A few months ago, I talked to Ryan Tinsley with Strand about the issue and he said that they had similar issues at their new building (Strand's Offices in Brenham), and their staff were able to correct the issues. Below is directly from Strand Associates website for services they provide.

As a full-service engineering firm, we offer the convenience of one firm for all facilities and information technology (IT) needs. This includes complete planning, design, renovation and restoration, construction-related, and administration services. Our experience includes single and multistory buildings, manufacturing facilities, bridges, and special structures.

We have the capability to utilize computer modeling for a wide variety of building and industrial applications. Our building designs are prepared using Building Information Modeling (BIM), which improves coordination of building mechanical systems and the ability of designers to visualize the space. The BIM process allows tracking of sustainable construction practices during both design and construction administration.

RECOMMENDATION

Staff Recommends authorization for a Task order with Strand for this project at the July 1 City Council Meeting to provide the assessments needed and resolve the Police Department's HVAC issues and repair the damages. This project was identified in the 2025 COs list. The estimate identified for both HVAC and repairs at the Police Department were \$200,000 and \$75,000.

Item #4



AGENDA ITEM NO: 4

SUBMITTED BY: Patrick Parsons, Public Works Director
MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

Discussion and Possible Action regarding the Final acceptance of the 2023 Highway 36 Sanitary Sewer Extension project, including approval of Change Order No. 2 and Payment Application No. 8 (Final).

ANALYSIS

The original contract price is \$940,895.00 dollars and this change order is \$12,058.50 dollars which the new contract price is \$937,231.50 dollars.

Description of change order:

Decrease the quantity of Bid Item No. 8 from 380 LF to 357 LF.

Decrease the quantity of Bid Item No. 15 from 4650 LF to 4,627 LF.

Decrease the quantity of Bid Item No. 20 from 1 lump sum to 0 lump sum.

Add 244 days to final completion days making the new Final Completion date March 18, 2025.

Total of Change order \$12,058.50

RECOMMENDATION

Staff Recommends to approve Change Order No.2 and Payment Application No. 8.

FINANCIAL IMPACTS

This will be paid for out of the 2022 Certificate of Obligations.

APPLICATION FOR PAYMENT

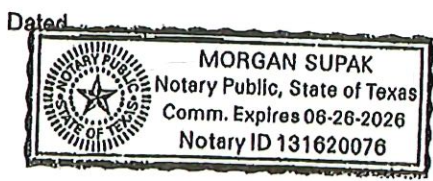
OWNER: City of Sealy PROJECT: 2023 Highway 36 Sanitary Sewer Extension
 CONTRACTOR: Supak Construction, Inc. CONTRACT: 2-2019
 FOR PERIOD ENDING: 4-1-25 PAYMENT APPLICATION DATE: 4-30-25
 PAYMENT APPLICATION NO.: 8 & FINAL

<u>CONTRACT AMOUNT</u>	
ORIGINAL CONTRACT AMOUNT	\$ <u>940,895.00</u>
PLUS: ADDITIONS TO CONTRACT	\$ <u>8,395.00</u>
LESS: DEDUCTIONS FROM CONTRACT	\$ <u>-12,058.50</u>
ADJUSTED CONTRACT AMOUNT TO DATE	\$ <u>\$937,231.50</u>
<u>WORK PERFORMED</u>	
COST OF WORK COMPLETED	\$ <u>937,231.50</u>
PLUS MATERIALS STORED (ATTACH SCHEDULE)	\$ _____
NET AMOUNT EARNED TO DATE	\$ <u>937,231.50</u>
LESS AMOUNT OF RETAINAGE	\$ _____
SUBTOTAL	\$ <u>937,231.50</u>
LESS PREVIOUS PAYMENTS	\$ <u>- 843,508.35</u>
AMOUNT DUE THIS APPLICATION	\$ <u>93,723.15</u>

CONTRACTOR's Certification:

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from OWNER on account of Work done under the Contract have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Liens, security interest of encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Required lien waivers attached.



SUPAK CONSTRUCTION, INC.
 CONTRACTOR
 By [Signature]
 (Authorized Signature)
 By ARNOLD SUPAK
 (Print Name)

Sworn to and subscribed before me on the 29th day of May, 2025
[Signature]
 (Notary Public in and for the State of Texas)

Payment of the above AMOUNT DUE THIS APPLICATION is approved by
 Dated _____
 By _____
 (Authorized Signature-OWNER)
 By _____
 (Print Name)

Payment of the above AMOUNT DUE THIS APPLICATION is recommended by
 Dated 5/30/25
[Signature]
 STRAND ASSOCIATES, INC.®
 (Authorized Signature)
 By Molly Goff
 (Print Name)

CONTRACTOR: SUPAK CONST., INC.

ESTIMATE FOR PAYMENT NO 8 & FINAL
CITY OF SEALY

DESCRIPTION	UNIT	Quantity			TO DATE	UNIT PRICE	AMOUNT
		PLANNED	PREV. EST.	THIS EST.			
1.) PROVIDE DUPLEX LIFT STATION	LS	1	1		1		427,195.00
2.) 10" ASTM D-3034 SDR 26 OPEN CUT 0 TO 6'	LF	20	20		20	\$ 567.50	\$ 11,350.00
3.) 10" ASTM D-3034 SDR 26 OPEN CUT 6' TO 12'	LF	75	75		75	\$ 127.50	\$ 9,562.50
4.) 10" ASTM D-3034 SDR 26 OPEN CUT GREAT THAN 12'	LF	90	90		90	\$ 142.50	\$ 12,825.00
5.) 10" ASTM D-3034 SDR 26 BY BORE	LF	135	135		135	\$ 187.50	\$ 25,312.50
6.) 10" ASTM D-3034 SDR 26 BY BORE W/16" WELDED STEEL CASING	LF	75	75		75	\$ 247.50	\$ 18,562.50
7.) 8" ASTM D-3034 SDR 26 OPEN CUT 6' TO 12'	LF	2875	2875		2875	\$ 67.50	\$ 194,062.50
8.) 8" ASTM D-3034 SDR 26 OPEN CUT GREATER THAN 12'	LF	380	357		357	\$ 87.50	\$ 31,237.50
9.) 8" ASTM D-3034 SDR 26 BY BORE, VARIOUS DEPTHS	LF	205	205		205	\$ 127.50	\$ 26,137.50
10.) 6" AWWA C900 DR 18 FORCE MAIN, OPEN CUT VARIOUS DEPTHS	LF	1055	1055		1055	\$ 57.50	60,662.50
11.) 6" AWWA C900 DR 18 FORCE MAIN, BY BORE VARIOUS DEPTHS	LF	50	50		50	\$ 87.50	\$ 4,375.00
12.) 4FT DIA PRECAST MH, 0 TO 6'	EA	14	14		14	\$ 4,450.00	\$ 62,300.00
13.) ADDITIONAL VERTICAL DEPTH IN FEET ABOVE 6FT STANDARD MH DEPTH	VLF	70.5	70.5		70.5	\$ 300.00	\$ 21,150.00
14.) FURNISH ALL EQUIPMENT AND MATERIALS TO MAKE 30" TIE IN INTO EXISTING MH	EA	1	1		1	\$ 1,850.00	\$ 1,850.00
15.) FURNISH ALL EQUIPMENT AND MATERIALS TO PROVIDE TRENCH SAFETY FOR LINES GREATER THAN 5 FT DEEP	LF	4650	4627		4627	\$ 2.00	\$ 9,254.00

CONTRACTOR: SUPAK CONST., INC.

ESTIMATE FOR PAYMENT NO 8 & FINAL
CITY OF SEALY

DESCRIPTION	UNIT	Quantity			TO DATE	UNIT PRICE	AMOUNT
		PLANNED	PREV. EST.	THIS EST.			
16.) FURNISH ALL EQUIPMENT AND MATERIALS TO PROVIDE EXCAVATION SAFETY FOR PROPOSED LIFT STATION WET WELL	LS	1	1		1	\$ 2,750.00	\$ 2,750.00
17.) PROVIDE SITE RESTORATION, SEEDING, CLEANUP AND EROSION CONTROL	LS	1	1		1	\$ 3,250.00	\$ 3,250.00
18.) PERFORM CONSTRUCTION MATERIALS TESTING IN ACCORDANCE W/ DIVISIONS 03, 31 AND 32	LS	1	1		1	\$ 1,250.00	\$ 1,250.00
19.) FURNISH ALL EQUIPMENT AND MATERIALS TO PROVIDE TRAFFIC CONTROL	LS	1	1		1	\$ 5,750.00	\$ 5,750.00
20.) CASH ALLOWANCE FOR ELECTRICAL SERVICE	LA	1				\$ 10,000.00	\$ -
CHANGE ORDER NO. 1							
1A.) RELOCATE THE WATER MAIN TO AVOID CONFLICT W/ GRAVITY SEWER INSTALLATION	LS	1	1		1	\$ 8,395.00	\$ 8,395.00



Strand Associates, Inc.®
 1906 Niebuhr Street
 Brenham, TX 77833
 (P) 979.836.7937
 www.strand.com

May 29, 2025

CHANGE ORDER NO. 2

PROJECT: 2023 Highway 36 Sanitary Sewer Extension
OWNER: City of Sealy, Texas
CONTRACT: 2-2019
CONTRACTOR: Supak Construction, Inc.

Description of Change

2a	Decrease the quantity of Bid Item No. 8 from 380 linear feet (LF) to 357 LF (unit price of \$87.50 per LF).	(DEDUCT)	(\$2,012.50)
2b	Decrease the quantity of Bid Item No. 15 from 4,650 LF to 4,627 LF (unit price of \$2.00 per LF).	(DEDUCT)	(\$46.00)
2c	Decrease the quantity of Bid Item No. 20 from 1 lump sum (LS) to 0 LS.	(DEDUCT)	(\$10,000.00)
2d	Add 244 days to the Final Completion date making the new Final Completion date March 18, 2025	ADD	\$0.00
TOTAL VALUE OF THIS CHANGE ORDER:		(DEDUCT)	(\$12,058.50)

Contract Price Adjustment

Original Contract Price	\$940,895.00
Previous Change Order Adjustments	\$8,395.00
Adjustment in Contract Price this Change Order	(\$12,058.50)
Current Contract Price including this Change Order	\$937,231.50

Contract Substantial Completion Date Adjustment

Original Contract Substantial Completion Date	July 10, 2024
Contract Substantial Completion Date Adjustments due to previous Change Orders	7 Days
Contract Substantial Completion Date Adjustments due to this Change Order	244 Days
Current Substantial Contract Completion Dates including all Change Orders	March 18, 2025

City of Sealy-Supak Construction, Inc.
Contract 2-2019, Change Order No. 2
Page 2
May 29, 2025

This document shall become a supplement to the Contract and all provisions will apply hereto.

RECOMMENDED



ENGINEER-Strand Associates, Inc.®

May 29, 2025
Date

APPROVED



CONTRACTOR-Supak Construction, Inc.

5-29-25
Date

APPROVED

OWNER-City of Sealy, Texas

Date

**CONSENT OF
SURETY COMPANY
TO FINAL PAYMENT**

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

AIA DOCUMENT G707

Bond No. 58S215247

PROJECT: CITY OF SEALY 2023 HWY 36 SANITARY SEWER
(name, address) EXTENSIONS

TO (Owner)

City of Sealy
415 Main St.
Sealy, TX 77474

ARCHITECT'S PROJECT NO:

CONTRACT DATE:

CONTRACTOR: Supak Construction, Inc.
512 Missouri Street/P.O. Box 325 Orchard, TX 77464

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(here insert name and address of Surety Company)

Liberty Mutual Insurance Company
175 Berkeley Street, Boston, MA 02116

, SURETY COMPANY,

on bond of (here insert name and address of Contractor)

Supak Construction, Inc.
512 Missouri Street/P.O. Box 325 Orchard, TX 77464

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not
relieve the Surety Company of any of its obligations to (here insert name and address of Owner)

City of Sealy
415 Main St. Sealy, TX 77474

, OWNERS,

as set forth in the said Surety Company's bond.

IN WITNESS WHEREOF,
the Surety Company has hereunto set its hand this 29th day of May, 2025

Liberty Mutual Insurance Company
Surety Company

Signature of Authorized Representative

Hanna Liebisch, Attorney-in-Fact

Title

Attest: 
(Seal): Michael Maddux



NOTE: This form is to be used as a companion document to AIA DOCUMENT G708, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS, Current Edition



POWER OF ATTORNEY

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint Hanna Liebisch all of the city of Houston state of TX its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bonds, undertakings, recognizances, contracts of indemnity, and all other surety obligations related thereto, the execution of which shall be binding upon the Companies as if it had been duly signed and executed by its own officers:

Principal Name: Supak Construction, Inc.
Obligee Name: City of Sealy
Surety Bond Number: 58S215247

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 29th day of May 2025.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: Nathan J. Zangerle, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 29th day of May 2025, before me personally appeared Nathan J. Zangerle, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2029
Commission number 1128044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Nathan J. Zangerle, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, whenever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Lowelty, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 29th day of May 2025.



By: Renee C. Lowelty
Renee C. Lowelty, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.



TEXAS IMPORTANT NOTICE

To obtain information or make a complaint:

You may call toll-free for information or to make a complaint at
1-877-751-2640

You may also write to:

2200 Renaissance Blvd., Ste. 400
King of Prussia, PA 19406-2755

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at
1-800-252-3439

You may write the Texas Department of Insurance Consumer Protection (111-1A)
P. O. Box 149091
Austin, TX 78714-9091
FAX: (512) 490-1007
Web: <http://www.tdi.texas.gov>
E-mail: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should first contact the agent or call 1-800-843-6446. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

TEXAS AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Usted puede llamar al numero de telefono gratis para informacion o para someter una queja al
1-877-751-2640

Usted tambien puede escribir a:

2200 Renaissance Blvd., Ste. 400
King of Prussia, PA 19406-2755

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companias, coberturas, derechos o quejas al
1-800-252-3439

Puede escribir al Departamento de Seguros de Texas Consumer Protection (111-1A)
P. O. Box 149091
Austin, TX 78714-9091
FAX # (512) 490-1007
Web: <http://www.tdi.texas.gov>
E-mail: ConsumerProtection@tdi.texas.gov

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente o primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI)

UNA ESTE AVISO A SU POLIZA:

Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

AFFIDAVIT OF PAYMENT OF DEBT AND CLAIMS

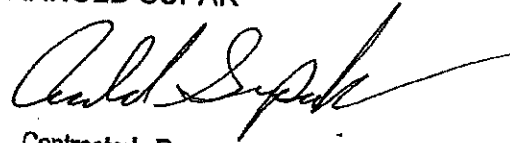
STATE OF TEXAS:

COUNTY OF FORT BEND

Personally, before me the undersigned authority, on this day appeared
ARNOLD SUPAK who being duly sworn, on oath, says that he is the legal
representative of SUPAK CONSTRUCTION, INC. and that the contract
for construction of the project, designated as the 2023 HWY 36 SANITARY SEWER EXTENSION
CONTRACT has been completed in accordance with the Plans and
Specifications and Contract Documents and that all bill for materials, apparatus,
fixtures, machinery, and labor used in connection with the construction of this project
have, to the best of his knowledge, been paid.

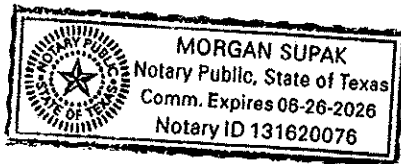
ARNOLD SUPAK

BY:



Contractor's Representative

SWORN TO AND SUBSCRIBED BEFORE ME this the 8th day of April, 2025



Notary Public *Morgan Supak*

My commission expires

6-26-2026



Strand Associates, Inc.®
 1906 Niebuhr Street
 Brenham, TX 77833
 (P) 979.836.7937
 www.strand.com

May 29, 2025

CHANGE ORDER NO. 2

PROJECT: 2023 Highway 36 Sanitary Sewer Extension
OWNER: City of Sealy, Texas
CONTRACT: 2-2019
CONTRACTOR: Supak Construction, Inc.

Description of Change

2a	Decrease the quantity of Bid Item No. 8 from 380 linear feet (LF) to 357 LF (unit price of \$87.50 per LF).	(DEDUCT)	(\$2,012.50)
2b	Decrease the quantity of Bid Item No. 15 from 4,650 LF to 4,627 LF (unit price of \$2.00 per LF).	(DEDUCT)	(\$46.00)
2c	Decrease the quantity of Bid Item No. 20 from 1 lump sum (LS) to 0 LS.	(DEDUCT)	(\$10,000.00)
2d	Add 244 days to the Final Completion date making the new Final Completion date March 18, 2025	ADD	\$0.00
TOTAL VALUE OF THIS CHANGE ORDER:		(DEDUCT)	(\$12,058.50)

Contract Price Adjustment

Original Contract Price	\$940,895.00
Previous Change Order Adjustments	\$8,395.00
Adjustment in Contract Price this Change Order	(\$12,058.50)
Current Contract Price including this Change Order	\$937,231.50

Contract Substantial Completion Date Adjustment

Original Contract Substantial Completion Date	July 10, 2024
Contract Substantial Completion Date Adjustments due to previous Change Orders	7 Days
Contract Substantial Completion Date Adjustments due to this Change Order	244 Days
Current Substantial Contract Completion Dates including all Change Orders	March 18, 2025

City of Sealy-Supak Construction, Inc.
Contract 2-2019, Change Order No. 2
Page 2
May 29, 2025

This document shall become a supplement to the Contract and all provisions will apply hereto.

RECOMMENDED



ENGINEER-Strand Associates, Inc.®

May 29, 2025
Date

APPROVED



CONTRACTOR-Supak Construction, Inc.

5-29-25
Date

APPROVED

OWNER-City of Sealy, Texas

Date



Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
(P) 979.836.7937
www.strand.com

April 2, 2025

Ms. Kimbra Hill, City Manager
City of Sealy
405 Main Street
Sealy, TX 77474

Mr. Arnold Supak, President
Supak Construction, Inc.
512 Missouri Street
Orchard, TX 77464

Re: 2023 Highway 36 Sanitary Sewer Extension
Contract 2-2019
City of Sealy, Texas

Dear Ms. Hill and Mr. Supak:

In accordance with Article 15.03 of the General Conditions, this letter is a Final Certificate of Substantial Completion for Contract 2-2019. This certificate includes by reference the Preliminary Certificate of Substantial Completion dated March 21, 2025, and the punch List of Items to be Completed or Corrected that was enclosed with that certificate.

The Preliminary Certificate of Substantial Completion fixed the Substantial Completion date at March 18, 2025.

Please call 979-836-7937 if there are any questions.

Sincerely,

STRAND ASSOCIATES, INC.®

Molly K. Goff, P.E.

Enclosures

c/enc: Matt Yentz, Strand Associates, Inc.®

TBPE No. F-8405
TBPLS No. 10030000

3903.063\MKGcdg\R\BREDocuments\Specifications\Archive\2023\Sealy, City of\3903.063 2-2019.RDT(16) Specification Letters(g) Final Certificate of Substantial Completion\FinalSubComp 04022025.docx



Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
(P) 979.836.7937
www.strand.com

March 21, 2025

Ms. Kimbra Hill, City Manager
City of Sealy
405 Main Street
Sealy, TX 77474

Re: 2023 Highway 36 Sanitary Sewer Extension
Contract 2-2019
City of Sealy, Texas

Dear Ms. Hill:

In accordance with Article 15.03 of the General Conditions, the above-referenced project was inspected on March 18, 2025. Based on this inspection, we have included in this preliminary certificate a date of March 18, 2025, for Substantial Completion of the project.

A punch List of Items to be Completed or Corrected, which were noted during this inspection, is enclosed.

In accordance with Article 15.03 of the General Conditions, at the time of delivery of the Preliminary Certificate of Substantial Completion, ENGINEER will deliver to OWNER and CONTRACTOR a written recommendation as to the division of responsibilities pending final payment between OWNER and CONTRACTOR with respect to security, operation, safety, maintenance, heat, utilities, insurance, and warranties. It is our recommendation that all the requirements of the Contract Documents be followed as to division of responsibilities between OWNER and CONTRACTOR, and it is not our intent to change any of these requirements through the following recommendations.

Contract Bonds and Insurance requirements are included in Article 6 of the General Conditions and Supplementary Conditions. As specified in Article 6.01 of the General Conditions, the Performance and Payment Bonds shall remain in effect at least until 1 year after the date when final payment becomes due.

As specified in Article 6.03 of the General Conditions and Supplemental General Conditions, CONTRACTOR shall continue to provide Contractor's Liability Insurance for the complete project until final payment is made and during correction period when CONTRACTOR is completing its Contract obligations and include completed operations coverage for a period of 3 years after final payment.

As specified in Article 6.04 of the General Conditions and Supplementary Conditions, CONTRACTOR shall continue to provide property insurance for the complete project until final payment is made.

Concerning the property insurance for those areas included in partial utilization, CONTRACTOR shall provide written acknowledgement that partial utilization will take place and insurance coverage remains in effect.

TBPE No. F-8405
TBPLS No. 10030000

3903.063\LGA\MKG\odg\R\BREP\Documents\Specifications\Archive\2023\Sealy, City of\3903.063.2-2019.RDP\16\Specification Letters\1\ Preliminary Certificate of Substantial Completion\ Prelim SubComp 03212025.docx

Ms. Kimbra Hill, City Manager
City of Sealy
Page 2
March 21, 2025

Concerning site security, we recommend that OWNER be responsible for overall security of the site. OWNER shall allow CONTRACTOR reasonable access to complete work.

Concerning operation and maintenance, we recommend that OWNER be responsible for operation and routine maintenance of the facilities. In the case of equipment, OWNER shall be responsible for operation and routine maintenance from the date of Substantial Completion.

Concerning safety, we recommend that OWNER be responsible for safety of its work and operations and that CONTRACTOR be responsible for its work and operations. Occupational Safety and Health Act of 1970 and other federal and state requirements apply to both parties.

Concerning heat and utilities, OWNER shall provide all heat and utilities from the date of Substantial Completion.

Contract correction period is included in Article 15.08 of the General Conditions and Supplementary Conditions. Beneficial occupancy or use by OWNER does not constitute acceptance.

Please note that, in accordance with Article 15.03, OWNER has 7 days after receipt of this Preliminary Certificate of Substantial Completion during which to make written objection to ENGINEER as to any provisions of the certificate or list of work remaining.

Please call 979-836-7937 if there are any questions.

Sincerely,

STRAND ASSOCIATES, INC.®



Molly K. Goff, P.E.

Enclosure

c/enc: Arnold Supak, President, Supak Construction, Inc.
Matt Yentz, Strand Associates, Inc.®



List of Items to be Completed or Corrected
2023 Highway 36 Sanitary Sewer Extension
Contract 2-2019
City of Sealy, Texas

Original List Date: March 18, 2025 Updated List Date: _____

A. Administrative

1. Submit the Contractor's Affidavit of Payment of Debt and Claims to Engineer.
2. Submit the Consent of Surety to Final Payment to Engineer.
3. Provide the final pay application to Engineer.
4. Provide the Record Drawings to Engineer.
5. Provide the warranties and operation and maintenance manuals for the installed equipment within the project area in electronic format.

B. Lift Station

1. Address the programing issue with the programmable logic controller inside the control panel.

C. Gravity Sewer

1. Raise the interior flowline of "MH-FM 1" to prevent the manhole from holding water.

c: Matt Yentz, Strand Associates, Inc.®

Item #5



AGENDA ITEM NO: 5

SUBMITTED BY: Patrick Parsons, Public Works Director
MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

Discussion and Possible Action regarding Strand Task order 25-04 Seventh Street Water Line and Roadway Improvements.

ANALYSIS

Project Description: Replace approximately 1,500 linear feet of existing water main with six-inch polyvinyl chloride (PVC) water main and related appurtenances and reconstruct approximately 4,850 square yards of Seventh Street from West Street to Hardeman Street. The reconstruction is anticipated to include installation of cement stabilization of the existing base material and application of hot mix asphaltic surface.

RECOMMENDATION

Staff Recommends to approve the Task order for Seventh street Water line and Roadway improvements.

FINANCIAL IMPACTS

\$814,000 Project and \$50,000 Engineering and GEO Environmental.

This will use the remaining balance of 2022 Certificate of Obligation.



Strand Associates, Inc.®
1906 Niebuhr Street
Brenham, TX 77833
(P) 979.836.7937
www.strand.com

Task Order No. 25-04
City of Sealy, Texas (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Agreement for Technical Services dated September 17, 2018

Project Information

Project Name: Seventh Street Water Line and Roadway Improvements

Project Description: Replace approximately 1,500 linear feet of existing water main with six-inch polyvinyl chloride (PVC) water main and related appurtenances and reconstruct approximately 4,850 square yards of Seventh Street from West Street to Hardeman Street. The reconstruction is anticipated to include installation of cement stabilization of the existing base material and application of hot mix asphaltic surface.

Services Description: Provide design, bidding-, and construction-related services.

Scope of Services

ENGINEER will provide the following services to OWNER.

Design Services

1. Attend a kickoff meeting with OWNER to review project scope.
2. Perform a geotechnical investigation and prepare a geotechnical report for the project. The geotechnical report will evaluate the existing subsurface soil conditions and provide recommendations including pavement design. Up to four soil borings at a depth of 15 feet are anticipated.
3. Develop and submit 90 percent design drawings including title sheet, index sheet, plan sheets, and standard detail sheets (in accordance with OWNER standards); technical specifications; bid form; and an opinion of probable construction cost to review with OWNER. Attend one design review meeting with OWNER and incorporate feedback, as appropriate.
4. Prepare one set of Bidding Documents using Engineers Joint Contract Documents Committee C-700 Standard General Conditions of the Construction Contract, 2018 edition, technical specifications, and engineering drawings.
5. Prepare and submit a Texas Commission on Environmental Quality permit.

Bidding-Related Services

1. Distribute one set of Bidding Documents electronically through CivCast, available at www.civcastusa.com. Submit Advertisement to Bid to OWNER's newspaper of choice for publishing. OWNER shall pay newspaper directly for publishing.

TBPE No. F-8405
TBPLS No. 10030000

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City of Sealy, Texas
Task Order No. 25-04
Page 2
June 9, 2025

- 2. Answer questions during bidding and prepare addenda, if necessary.
- 3. Attend bid opening, tabulate and analyze bid results, and assist OWNER in the award of the Construction Contract.
- 4. Prepare two sets of Contract Documents for signature.

Construction-Related Services

- 1. Provide contract administration services including attendance at a preconstruction conference, review of contractor's shop drawing submittals, review of contractor's periodic pay requests, attendance at up to three construction progress meetings, up to three site visits, and participation in project closeout. Services are based on a 90-day construction schedule.
- 2. Provide record drawings in electronic format from information compiled from the contractor's records. ENGINEER is providing drafting Services only for record drawings based on the records presented to ENGINEER by contractor and OWNER. ENGINEER will not be liable for the accuracy of the record drawings information provided by contractor and OWNER.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order a lump sum of \$50,000.

Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of June 16, 2025. Services are scheduled for completion on June 30, 2026.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

DRAFT

Joseph M. Bunker
Corporate Secretary

Date

OWNER:

CITY OF SEALY, TEXAS

Carolyn Bilski
Mayor

Date

**NOT FOR
SIGNATURE
DRAFT**

Item #6

Item #7



AGENDA ITEM NO: 7

Discussion and possible action regarding approving a contract with BrooksWatson and Co., PLLC for Audit Services.

SUBMITTED BY: Jennifer Matura, Finance Director

MEETING DATE: June 17th, 2025

STAFF REPORT

SUMMARY

At the May 6, 2025, City Council meeting, the City Council directed staff to proceed with executing a contract with the audit firm BrooksWatson & Co., PLLC for professional audit services.

ANALYSIS

The proposed engagement letter was reviewed by the City Attorney. Based on his legal review, revisions were made to the engagement letter to address any concerns. The engagement letter outlines the scope of audit services to be performed, fees, responsibilities of both parties, and the general terms of the agreement. This engagement is for a three-year period, covering Fiscal Years ending September 30, 2025, September 30, 2026, and September 30, 2027.

FINANCIAL IMPACT

Audit for each fiscal year will be built into the corresponding budgets with a portion paid by the General Fund, Enterprise Funds, and EDC each year. The pricing for Fiscal Years 2025 through 2027 is summarized below:

	FY 2025	FY 2026	FY 2027
Partners	\$13,125	\$13,125	\$13,125
Supervisory Staff	\$16,560	\$16,560	\$16,560
Staff	\$10,350	\$10,350	\$10,350
Discount	(\$6,535)	(\$5,535)	(\$4,500)
Total all-inclusive maximum price	\$33,500	\$34,500	\$35,535

RECOMMENDATION

Staff recommends that City Council approve the contract/engagement letter with BrooksWatson & Co., PLLC for audit services for the Fiscal Years ending 2025, 2026, and 2027.



BROOKSWATSON & CO.
CERTIFIED PUBLIC ACCOUNTANTS

June 10, 2025

City of Sealy, Texas
415 Main Street
Sealy, Texas, 77474-0517

The following represents our understanding of the services we will provide the City of Sealy, Texas.

You have requested that we audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Sealy, Texas, as of September 30, 2025 through September 30, 2027, and for the years then ended and the related notes to the financial statements, which collectively comprise the City of Sealy, Texas's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, pension information, and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- 1) Management's discussion and analysis
- 2) Budgetary Comparison Information
- 3) Pension and OPEB schedules

Supplementary information other than RSI will accompany the City of Sealy, Texas's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- 1) Individual nonmajor fund financial statements and schedules
- 2) Combining statements

Also, the document we submit to you will include the following other additional information that will not be subject to the auditing procedures applied in our audit of the financial statements:

- 1) Introductory section
- 2) Statistical section

Auditor Responsibilities

We will conduct our audit in accordance with GAAS . As part of an audit in accordance with GAAS , we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of controls.
- Obtain an understanding of the system of internal control in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements,

including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about City of Sealy, Texas's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS .

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

Compliance with Laws and Regulations

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Sealy, Texas's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Management Responsibilities

Our audit will be conducted on the basis that management and those charged with governance acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and

3. To provide us with:
 - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;
 - ii. Additional information that we may request from management for the purpose of the audit; and
 - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
4. For including the auditor's report in any document containing financial statements that indicates that such financial statements have been audited by the entity's auditor;
5. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities; and
6. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and those charged with governance, written confirmation concerning representations made to us in connection with the audit.

Nonattest Services

With respect to any nonattest services we perform,

At the end of the year, we agree to perform the following:

- Propose adjusting or correcting journal entries to be reviewed and approved by City of Sealy, Texas's management.
- Prepare the City's Annual Comprehensive Financial Report.

We will not assume management responsibilities on behalf of City of Sealy, Texas. However, we will provide advice and recommendations to assist management of City of Sealy, Texas in performing its responsibilities.

City of Sealy, Texas's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) designing, implementing, and maintaining the system of internal control, including the process used to monitoring the system of internal control.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards, including the AICPA.
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our firm will advise City of Sealy, Texas but the City of Sealy, Texas, must make all decisions with regard to those matters.

Reporting

We will issue a written report upon completion of our audit of the City of Sealy, Texas’s basic financial statements. Our report will be addressed to the governing body of the City of Sealy, Texas. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor’s report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Other

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to utilize the final version of your audited financial statements as provided to you by our firm.

Provisions of Engagement Administration, Timing and Fees

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

The timing of our audit will be scheduled for performance and completion as follows:

	Begin	Complete
Document internal control and preliminary tests		Aug 31st
Observe physical inventories (if necessary)		n/a
Mail confirmations		October 1st
Perform year-end audit procedures		December/January
Issue audit report		February/March

Mike Brooks is the engagement partner for the audit services specified in this letter. His responsibilities include supervising BrooksWatson & Co., PLLC's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees for the financial statement audits are all inclusive as follows:

Fiscal Year	Financial Statement Audit
2025	\$33,500
2026	\$34,500
2027	\$35,535

We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the City of Sealy, Texas's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

The invoice shall be rendered monthly based upon actual hours billed during the invoice period. We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. In addition, we will work with you to identify any federal awards that might meet the criteria for an (OMB) Uniform Guidance audit.

Other Matters

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;

- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of BrooksWatson & Co., PLLC and constitutes confidential information. However, we may be requested to make certain audit documentation available to certain regulators and federal agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of BrooksWatson & Co., PLLC's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

A handwritten signature in black ink that reads "Brooks Watson & Co." in a cursive, slightly stylized font.

BrooksWatson & Co.
14950 Heathrow Forest Pkwy | Ste 530
Houston, TX 77032

RESPONSE:

This letter correctly sets forth our understanding.

The City of Sealy, Texas

Acknowledged and agreed on behalf of the City of Sealy, Texas by:

Management

Name: _____

Title: _____

Date: _____

Mayor or Council Representative

Name: _____

Title: _____

Date: _____

Item #8



Meeting Date: June 17, 2025 - Prepared by: Mike Barrow, Assistant City Manager

Agenda Item 8 – Discussion and Possible Action regarding Resolution of Support for Texas Department of Transportation Feasibility Study for Relief Route.

SUMMARY:

Currently there is no other direct route for truck traffic to get from Hwy 36 N to the interstate other than coming through our downtown Meyer Street Hwy 36. Traffic counts compiled by TxDOT in 2013 and 2023 are below

TxDOT Traffic Counts for 2023 for the area of concern show:

Counter 1. 18,044 vehicles travel Hwy 36 just north of the Hwy 36 and Loop 350 intersection each day, compared to 11,913 vehicles per day in 2013.

+5.1% per year increase last 10 years (increase of **613** vehicles per day per year)

Counter 2. 22,317 vehicles travel Hwy 36 just south of the Hwy 36 and Interstate 10 on/off ramps westbound and just north of the Hwy 36 and Interstate 10 on/off ramps eastbound each day, compared to 16,407 vehicles per day in 2013.

+3.6% per year increase last 10 years (increase of **591** vehicles per day per year)

Counter 3. 59,989 vehicles travel Interstate 10 just east of Hwy 36 off ramp each day, compared to 52,168 vehicles per day in 2013.

+1.5% per year increase last 10 years (increase of **782** vehicles per day per year)

Counter 4. 49,494 vehicles travel Interstate 10 just west of Hwy 36 on ramp and off ramp each day, compared to 38,863 vehicles per day in 2013.

+2.7% per year increase last 10 years (increase of **1063** vehicles per day per year)

It is important to note that from 2018 to 2023 (5 years), traffic counts for the same counters were:

Counter 1. +6.9% per year increase (increase of **921** vehicles per day)

Counter 2. +5.2% per year increase (increase of **918** vehicles per day)

The situation is only going to get worse for traffic and pedestrians traveling up and down Hwy 36 in town without alternate direct route.

FINANCIAL IMPACT:

NA – At this point. But, future right-of-way acquisition and partnership will be needed.

RECOMMENDATION:

Recommend approval of Resolution of Support for Feasibility Study of Relief Route by TxDOT.

RESOLUTION NO. 2025-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION TO PERFORM A ROUTE FEASIBILITY STUDY FOR FUTURE HIGHWAY 36 RELIEF ROUTE IN THE VICINITY OF SEALY TEXAS.

* * * * *

WHEREAS, The Texas State Highway 36 System extends 343.1 miles in length, connecting Freeport at the Gulf Coast to Abilene in the high plains. Hwy 36 is a designated hurricane evacuation route, intersecting many other vital hurricane evacuation routes such as, Interstate 59/69, Interstate 10, Interstate 290, and Interstate 35.

WHEREAS, residential and commercial development close to the existing roadway limits widening of a 2.35-mile section of Hwy 36 from FM 2187 to Interstate 10 through Sealy. Widening the existing right-of-way is not financially feasible and current conditions are causing increased congestion and safety issues.

WHEREAS, residential and commercial development in Austin County has increased traffic on Hwy 36 countywide causing safety concerns on and along Hwy 36. Hwy 36 currently goes through Sealy downtown and with community events using downtown, the safety concerns only increase.

WHEREAS, Hwy 36 through Sealy also crosses over Union Pacific Railroad in downtown Sealy. The significantly increased traffic being stopped by the train several times daily, causes traffic to back up both directions, invites through travelers to use city residential and downtown streets to find a way to bypass the train, and causes further vehicle and pedestrian safety issues.

WHEREAS, a route feasibility study for a potential relief route in the Sealy area would provide opportunities for community input and recommendation for possible location of such a route.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS requests that TxDOT move forward with a route feasibility study for a relief route in the Sealy Area.

PASSED and APPROVED this, the ____ day of June ____, 2025.

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrablec, City Secretary

Item #9



AGENDA ITEM NO: _____

Discussion and Possible Action regarding Approving Mass Gathering Ordinance Amending Chapter 66 of the Code of Ordinances. *(First of two readings)*

SUBMITTED BY: Kimbra Hill, City Manager

MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

City Council's consideration of the proposed Mass Gathering Ordinance is at the request of Chief Reeves. It enables advance notice and planning for large-scale events, allowing police to assess potential risks, allocate resources, and coordinate emergency services. This helps prevent overcrowding, ensures appropriate traffic control, and supports medical response readiness.

The Mass Gathering Ordinance provides a legal framework and legally enforceable structure that defines what qualifies as a mass gathering, sets forth permit requirements, and outlines conditions for compliance. This gives the police department a clear basis for monitoring events and taking action when regulations are violated.

Although the Mass Gathering Ordinance complements the City-Wide Event Policy and shares several similarities, both are essential to effectively meeting the diverse needs of public safety in the community. Each serves a distinct purpose, and together they provide a comprehensive framework for event oversight, public safety, and operational coordination, as outlined in the comparison below:

Key Differences Between the Mass Gathering Ordinance and the City-Wide Event Policy:

1. THRESHOLD BASED ON NUMBER OF PARTICIPANTS

- a. **City-Wide Event Policy:** Establishes three (3) event levels based on participant count:
 - i. Level 1: 150 or less
 - ii. Level 2: 151-500
 - iii. Level 3: 501 or more
- b. **Mass Gathering Ordinance:** Applies to events of 300 or more participants and introduces new evaluation criteria beyond attendance alone, distinct from City-Wide Event criteria *(See 3.c. below)*

2. EVENT LOCATION FOCUS

- a. **City-Wide Event Policy:** Primarily governs events held on City-owned property
- b. **Mass Gathering Ordinance:** Focuses on events held on private property within the city limits that have potential to affect public safety or city services

3. ENFORCEABILITY AND RISK MANAGEMENT

- a. **City-Wide Event Policy:** Serves as a guidance tool for managing use of City facilities and resources
- b. **Mass Gathering Ordinance:** Functions as a free-standing and enforceable regulation aimed at reducing risk city-wide, especially where events:

- i. Require EMS, law enforcement, or fire personnel;
- ii. Restrict or block public or emergency access
- iii. Involve past activities known to escalate and strain public safety resources
- iv. Feature amplified music, entertainment, or activities likely to incite unruly or disruptive behavior, including but not limited to trail rides, rodeos, outdoor concerts and DJ events, "pop-up" parties, or any combination of factors combined with open alcohol service.

Key Similarities Between the Ordinance and the Policy:

1. UNIFIED APPLICATION PROCESS

- a. Both require use of a standard application form, which ensures consistency in event vetting.
 - i. **City-Wide Event Application** – submitted to City-Wide Event Official
 - ii. **Mass Gathering Event Application** – submitted to Chief of Police (to be created)

2. FEE REQUIREMENTS

- a. **City-Wide Event Permit Fee:** Already adopted in the City's Master Fee Schedule.
- b. **Mass Gathering Permit Fee:** Proposed at \$500, and included in the *2nd of 2 readings of the updated Master Fee Schedule Ordinance on tonight's agenda*

3. CITY COUNCIL OVERSIGHT

In compliance with the City's Charter, Article II Powers of the City, Section 2.01- General Powers, both frameworks involve City Council approval for most events.

- a. **City-Wide Event Policy** requires approval by City Council for an event held on City-owned property or using city services and resources.
- b. **Mass Gathering Ordinance:**
 - i. Allows the Chief of Police to review and approve events on private property
 - ii. Certain lower-risk or exempt events must be reported to Chief of Police for approval, unless specific risk factors arise.
 - iii. Chief's discretion for reclassifying previously exempt events if they have escalated in the past.
 - iv. Only if Chief denies the event may the promoter appeal to City Council.

RECOMMENDATION

City Manager and Chief of Police recommend City Council's approval of the ordinance on first reading and concurrent adoption of the associated fee via the Master Fee Schedule.

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, ADDING A NEW OF ARTICLE V OF CHAPTER 66 OF THE SEALY CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR MASS GATHERINGS; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Sealy, Texas, ("City") finds that providing rules and regulations for certain mass gatherings in the City is in the best interest of the City, citizens, members of the public, visitors, and travelers; and

WHEREAS, the City Council finds that mass gathering events have increased the need for public safety resources and contacts; and

WHEREAS, the City Council further finds that mass gathering events increase traffic congestion; and

WHEREAS, City staff must ensure adequate public safety resources are available to respond to complaints associated with mass gathering events;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The facts and recitations contained in the preamble to this ordinance are true and correct and incorporated herein for all purposes.

Section 2. A new Article V of Chapter 66 is added to the Code of Ordinances of the City of Sealy, Texas to read as follows:

"CHAPTER 66 – OFFENSES AND MISCELLANEOUS PROVISIONS

* * * *

ARTICLE V. – MASS GATHERINGS

Sec. 66-89. - Definitions.

Mass gathering means a gathering of which any part of the gathering is held inside the limits of the City of Sealy and that attracts or is expected to attract:

- (1) More than 300 persons at any given time, including property owner(s), promoter(s), security, vendors, entertainers, volunteers, guests and ticket holders; and
- (2) At which the persons will remain for more than two (2) continuous hours; or for any amount of time during the period beginning at 9:00 p.m. and ending at 6:00 a.m.

Person means an individual, group of individuals, firm, corporation, entity, partnership, or association.

Promote means to organize, manage, finance, or hold.

Promoter means a person who promotes, organizes, advertises, or sells tickets to a mass gathering, often responsible for event planning, marketing, crowd expectations, and overall execution, who may or may not own the venue or land.

Sec. 66-90. – Permit requirement.

Persons shall submit the City's current Mass Gathering Event Application to the Chief of Police for any mass gathering event that meets one or more of the following criteria:

- (1) Any part of the event is held on private property within the city limits and:
 - a. Requires or may require the presence of EMS, police, or fire personnel;
 - b. Requires road closures or otherwise restricts or impedes traffic flow and access by emergency personnel or the general public;
 - c. Any event, that escalated or may escalate in terms of crowd size, nuisance, or criminal activity, or any event that has or may strain public safety resources or poses risks to the community.
 - d. Any event that involves one or a combination of amplified sound or music, entertainment, or activities that are likely to incite unruly, dangerous, or disruptive behavior, such as but is not limited to, trail rides, rodeos, outdoor concerts and DJ events, "pop-up" parties, or any combination of factors combined with open alcohol service.

A person may not promote, hold, attend, or participate in a mass gathering without approval from the Chief of Police.

Sec. 66-91. - Application submittal and review procedure.

- (a) At least ninety (90) days before the date on which a mass gathering will be held, the promoter and property owner shall file a Mass Gathering Event Application with the Chief of Police, including all required supporting documents, site plans, and

information requested by the Chief. Applications submitted less than 90 days prior to the event may still be considered at the Chief of Police's discretion.

(b) The Chief of Police may approve, approve with conditions, or deny the application based on public safety considerations, event history, availability of emergency personnel, or other risk factors.

Sec. 66-92. – Permit fee requirement.

Following approval, the applicant must remit the required Mass Gathering Event permit fee as set forth in the City's Master Fee Schedule Ordinance

Sec. 66-93. – Changes to the Mass Gathering Event after approval by Chief of Police.

Any changes to the mass gathering event plan after receiving approval, will require an additional approval by the Chief of Police. The Chief of Police may approve, approve with conditions, or deny the changes based on public safety considerations, event history, availability of emergency personnel, or other risk factors.

Sec. 66-94. - Permit revocation.

The Chief of Police may revoke a permit issued under this ordinance if the Chief of Police finds that the preparations for the mass gathering will not be completed by the time the mass gathering will begin, for the failure to meet any of the requirements determined and identified pursuant to this ordinance, for failing to comply with approved plans, or that the permit was obtained by fraud or misrepresentation.

Sec. 66-95. - Appeal.

In the event of denial, a promoter or a person affected by the granting, denying, or revoking of a permit may appeal that action to the city council. The appeal must be submitted in writing to the City Secretary and Chief of Police within five (5) business days of receiving the denial notice. The request for appeal will be placed on the agenda for the next regularly scheduled city council meeting prior to the scheduled date of the event. City Council may uphold, modify, or overturn the Chief's decision at their discretion. If time does not permit for a city council meeting to be called, the appeal can be to a district court having jurisdiction in Austin County.

Sec. 66-96. - Inspections.

(a) The Chief of Police or any designee of same may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public safety and order as prescribed by state and local laws, rules, and orders are being maintained. If any official determines a violation of the minimum standards is

occurring, the official or designee may order the promoter of the mass gathering to correct the violation or terminate the event.

- (b) The Code Enforcement Officer may investigate preparations to ensure they are consistent with the City's ordinances, policies, approved site plan-as presented to and approved by the chief of police, or city council, if applicable.
- (c) The City Manager, or designee, may conduct any additional investigation that the manager considers necessary.

Sec. 66-97. - Indemnity clause.

The applicant shall indemnify and hold the city harmless from all costs, expenses (including reasonable attorney's fees) and damages to persons or property arising directly or indirectly as a result of the mass gathering.

This provision is not intended to create a cause of action or liability for the benefit of third parties but is solely for the benefit of the applicant and the city.

Sec. 66-98. - Noise.

Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity of the mass gathering, or any noise of such character, intensity and continued duration which interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is prohibited and is hereby declared a nuisance. All other regulations in regarding noise shall apply to mass gatherings.

Sec. 66-99. - Exceptions to permit and fee.

(a) The following types of mass gathering events, known or expected to attract 300 persons or more at any given time, including property owner(s), promoter(s), security, vendors, entertainers, volunteers, guests and ticket holders, are required to notify the Chief of Police ten (10) days prior to the event, but are not required to obtain a Mass Gathering Event permit or to pay any fees established under article - provided that the same type of event has not, in the past, escalated in a manner that strained public safety resources and posed a risk to the community:

- (1) Church events held on church-owned property, or on City-owned property managed by another entity under terms of a contract;
- (2) City, school, county, or other governmental entity events held on property owned, maintained and managed by the governmental entity;
- (3) Weddings, wakes, and funerals;
- (4) Youth sporting events; or
- (5) Any other exceptions approved by City Council.

(b) Events that were previously exempt may be reclassified at the discretion of the Chief of Police if, in the past, they have:

- (1) Resulted in emergency response calls;
- (2) Impeded emergency vehicle access or general traffic;
- (3) Involved public disturbances, fights, nuisances, or property damage; or
- (4) Otherwise strained police, fire or EMS resources.

In such cases, future events of that type may be required to complete a Mass Gathering Event Application and comply with all permitting and fee requirements.

Sec. 66-100. - Tow-away zones.

- (a) Any street, alley or city owned property or part thereof that is designated as a road closure or a no parking zone under this ordinance will also be designated as a no parking tow-away zone.
- (b) The promoter shall properly mark the road closures and no parking zones designated under a permit that is granted under this ordinance giving notice thereof.
- (c) No person shall park a vehicle in any area designated as a no parking tow-away zone under this ordinance.
- (d) Any person designated by the city may authorize the removal of a vehicle parked in no parking tow-away zone. The owner and operator of the vehicle shall be liable for all reasonable towing and storage fees incurred in the removal and storage of the vehicle.
- (e) This section works in conjunction with any other no parking tow-away ordinances for the city.

Section 3. *Repeal.* All ordinances or parts of ordinances in conflict herewith are repealed.

Section 4. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. *Penalty.* Any person who violates or causes, allows, or permits

another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulation governs fire safety or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. *Effective Date.* This ordinance shall become effective immediately and enforceable when published as required by law.

PASSED AND APPROVED at this first reading on the _____ day of _____ 2025.

PASSED, APPROVED AND ADOPTED at this second reading on the _____ day of _____ 2025.

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrabec, City Secretary

Item #10

ORDINANCE 2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, AMENDING THE MASTER FEE SCHEDULE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the city of Sealy, Texas ("City") finds that amending the Master Fee Schedule will be for the good of the government and ensures that the City is capturing reasonable and appropriate revenues;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. The City of Sealy, Texas adopts the Master Fee Schedule as provided for in Exhibit "A" which is attached hereto and incorporated herein for all purposes.

Section 3. *Repeal.* All Ordinances or parts of Ordinances in conflict herewith are repealed.

Section 4. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulations governs fire safety, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 6. *Effective Date.* This Ordinance shall become effective immediately and enforceable when published as required by law.

PASSED and APPROVED at this first reading on the ____ day of May, 2025.

PASSED, APPROVED, AND ADOPTED at this second reading on the ____ day of June, 2025.

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrabec, City Secretary

RED-LINE COPY

Type	Fee
MISCELLANEOUS FEES	
Overnight Camping Permit (Chapter 66)	\$30.00 per unit
Mass Gathering Permit (Chapter 66)	\$500.00
Circus Permit	\$100.00
Fireworks Permit (Chapter 34)	\$45.00
Banner Fee	\$50.00 per location
Donation Collection Boxes (Chapter 42)	\$75.00 for permit and medalion + \$50.00 each addition medalion
TAX ABATEMENT POLICY FEE	
Application Fee	\$1,500.00
NAMING AND DONATION POLICY FEE	
Application Fee	\$75.00
CITY SECRETARY FEES	
Alcohol Beverage License	Maximum amount allowed by State Law, Equal to 1/2 of the Applicable Texas TABC License Fees
Peddlers and Solicitors Permit	\$30.00 (covers up to 6 people)
Replacement Identification Cards	\$5.00
Copies of Public Information	Reference Texas Administrative Code - CH. 70.3
WRECKER SERVICE FEES	
Transfer and service permits	\$75.00
Unlimited Auto Wrecker Permits	\$200.00 per Yard
*The same fee is payable annually 30 days before expiration of a permit for a one-year extension.	
HEALTH PERMIT FEES	
Retail Food Stores and Food Service Establishments (annual)	1-4 employees \$200.00, 5-9 employees \$300.00, 10-25 employees \$400.00, 26+ employees \$500.00 (Number of employees is based on number of employees on largest shift)
Mobile Vending Food Unit(s)	\$50.00 per month (30 day period)
Temporary Food Service Permit	\$50.00
14 days	\$50.00
Multiple Events (yearly)	\$200.00
SAFETY INSPECTION FEES	
Day Care Facility; Foster Home Facility; or Commercial Business Inspections	\$100.00 per yearly inspection
Industrial Safety Inspections for Electrical Turn On and Reinspect for TCO	\$300.00

CLEAN COPY

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
NEW CONSTRUCTION/ADDITIONS RESIDENTIAL PERMIT FEES	
All Single-Family & Duplex New Residential Construction	\$0.70 per square foot (rounded up) plus \$35.00 Permit issuance Fee
BUILDING PERMIT FEES	
include Flatwork, Driveways, Sidewalks, Accessory Structures, and Initial Placement of Manufactured Home	
Contractor Registration fee (yearly)	\$100.00
Permit Issuance Fee	\$35.00
Valuation of less than \$1,000.00, without inspection	No fee
Valuation of less than \$1,000.00, with inspection	\$75.00/inspection
Valuation of \$1,001.00 to \$50,000.00	\$30.00 for 1st \$1,001.00 plus \$5.00 each add'l 1,000.00 or fraction thereof
Valuation of \$50,001.00 to \$100,001.00	\$260.00 for 1st \$50,001.00 plus \$4.00 each add'l 1,000.00 or fraction thereof
Valuation of \$100,001.00 to \$500,000.00	\$460.00 for 1st \$100,001.00 plus \$3.00 each add'l 1,000.00 or fraction thereof
Valuation of over \$500,001.00	\$1,660.00 for 1st \$500,001.00 plus \$2.00 each add'l 1,000.00 or fraction thereof
Reinspection Fees*	\$75.00 – 1st reinspection \$75.00 – 2nd reinspection \$75.00 – 3rd reinspection
Fees are doubled if work begins before the issuance of a valid permit.	
Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
COMMERCIAL BUILDING PERMIT FEES	
Contractor Registration fee (yearly)	\$100.00
Permit Issuance Fee	\$35.00
Less Than \$10,000.00	No fee unless inspection required, in which case, a \$75.00 inspection fee shall be charged.
\$10,000-50,000.00	\$550.00 for 1st \$10,001.00 plus \$5.75 for each additional thousand or fraction thereof
\$50,001.00 - \$100,000.00	\$800.00 for 1st \$50,001.00 plus \$4.75 for each additional thousand or fraction thereof
\$100,001.00 - \$500,000.00	\$1,000.00 for 1st \$100,001.00 plus \$3.50 for each additional thousand or fraction thereof
\$500,001.00 - \$1,000,000.00	\$3,500.00 for 1st \$500,001.00 plus \$3.00 for each additional thousand or fraction thereof
\$1,000,001.00 and greater	\$4,064.00 for 1st \$1,000,001.00 plus \$3.00 for each additional thousand or fraction thereof
Commercial Plan Review Fee (this provision and fee is not applicable to single-family or (two family (duplex) residential structures)	One-half of commercial permit fee
* 3rd+ submittals for review will be charged	
Certificate of Occupancy or Temporary Certificate of Occupancy	1/2 of the original Commercial Plan Review Fee Fee is included in Permit Fee, but New Use or New Tenant is \$100.00
Reinspection Fees*	\$75.00 – 1st reinspection \$75.00 – 2nd reinspection \$75.00 – 3rd reinspection
Fees are doubled if work begins before the issuance of a valid permit.	
Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	
Moving of any building or structure	\$250.00
Demolition of any building(s) or structure(s):	
0 - 100,000 cubic feet	
100,001 cubic feet and over	\$250.00
* Fees are doubled if work begins before the issuance of a valid permit.	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
MISCELLANEOUS FEES	
Overnight Camping Permit (Chapter 66)	\$30.00 per unit
Mass Gathering Permit (Chapter 66)	\$500.00
Circus Permit	\$100.00
Fireworks Permit (Chapter 34)	\$45.00
Banner Fee	\$50.00 per location
Donation Collection Boxes (Chapter 42)	\$75.00 for permit and medalion + \$50.00 each addition medalion
TAX ABATEMENT POLICY FEE	
Application Fee	\$1,500.00
NAMING AND DONATION POLICY FEE	
Application Fee	\$75.00
CITY SECRETARY FEES	
Alcohol Beverage License	Maximum amount allowed by State Law, Equal to 1/2 of the Applicable Texas TABC License Fees
Peddlers and Solicitors Permit	\$30.00 (covers up to 6 people)
Replacement Identification Cards	\$5.00
Copies of Public Information	Reference Texas Administrative Code - CH. 70.3
WRECKER SERVICE FEES	
Transfer and service permits	\$75.00
Unlimited Auto Wrecker Permits	\$200.00 per Yard
*The same fee is payable annually 30 days before expiration of a permit for a one-year extension.	
HEALTH PERMIT FEES	
Retail Food Stores and Food Service Establishments (annual)	1-4 employees \$200.00, 5-9 employees \$300.00, 10-25 employees \$400.00, 26+ employees \$500.00 (Number of employees is based on number of employees on largest shift)
Mobile Vending Food Unit(s)	\$50.00 per month (30 day period)
Temporary Food Service Permit	\$50.00
14 days	\$50.00
Multiple Events (yearly)	\$200.00
SAFETY INSPECTION FEES	
Day Care Facility; Foster Home Facility; or Commercial Business Inspections	\$100.00 per yearly inspection
Industrial Safety Inspections for Electrical Turn On and Reinspect for TCO	\$300.00

CITY OF SEALY, TEXAS
MASTER FEE SCHEDULE
ORDINANCE

EXHIBIT "A"

Type	Fee
Nursing/Assisted Living Facility or School	\$300.00
Manufactured Home Safety Inspections	\$100.00

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
OUTDOOR EVENT PERMIT (when on City property and/or City streets)	
Small events – 50 people or less	\$100.00
Large events – over 50 people	\$250.00
GAME ROOM FEES- COIN OPERATED / AMUSEMENT REDEMPTION MACHINES	
License Fee & Inspection per machine	\$60.00
Plus, fee per machine (tax)	\$15.00
SEXUALLY ORIENTED BUSINESS	
New or Renewal Sexually Oriented Business License	\$500.00
Employee License	\$100.00
MULTI-FAMILY FEES	
License fee (Sec 14-433)	\$25.00 per. dwelling unit
Replacement license (Sec 14-433)	\$10.00
Reinspection fee (Sec 14-437)	A fee of \$20.00 for each reinspection of each noted violation in a dwelling unit, but not to exceed \$40.00 per unit, within an apartment complex
Exterior Reinspection Fee (Sec 14-437)	A reinspection fee of \$20.00 for each exterior violation item reinspected shall be assessed for inspections that are required to verify that a violation has been repaired or corrected.
MOBILE HOME PARK FEES	
Original mobile home park or recreational vehicle park license (Sec 58-86 (a))	\$300.00
Renewal of mobile home park license (Sec 58-86(b))	\$100.00
Transfer of mobile home park or recreational vehicle park license (Sec 58-81)	\$50.00
Transfer or replacement of mobile home (Sec 58-46 (b))	\$75.00
Mobile Home Reinspection fee (Sec 58-46 (a))	\$25.00
DRAINAGE REVIEW FEE	
Small Site Projects (Less than 10 acres)	\$2,500.00 + \$30.00 processing fee
Small to Medium Residential Subdivisions (20 to 60 lots)	\$4,000.00 + \$30.00 processing fee
Large Residential Subdivisions (over 60 lots)	\$6,000.00 + \$30.00 processing fee
Large Sites (10 acres or larger)	\$8,000.00 + \$30.00 processing fee
All 3rd Party Reviews above will be charged an Administrative Fee	10% of the Review Fee
* 3rd+ submittals for review by engineer will be charged	½ of the review fee

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
CULVERT INSTALLATION	
20 feet Driveway	\$650 plus the cost of the pipe and materials
30 feet Driveway	\$850 plus the cost of the pipe and materials
UTILITIES DEVELOPMENT REVIEW FEE	
Utility-Master Plan Model Reviews (Large Residential, > 60 Lots)	\$4,000.00
Utility-Master Plan Model Reviews (Small-Medium Residential, 20 to 60 Lots)	\$3,000.00
Utility-Master Plan Model Reviews (Large Site, > 10 Acres)	\$4,000.00
Utility-Master Plan Model Reviews (Small Site, < 10 Acres)	\$2,500.00
Lift Station Reviews (One Lift Station > 20 gpm)	\$6,500.00
Lift Station Reviews (Each Additional Lift Station > 20 gpm)	\$2,500.00
Traffic Impact Analysis Reviews (One Intersection)	\$1,500.00
Traffic Impact Analysis Reviews (Each Additional Intersection)	\$1,000.00
All 3rd Party Reviews above will be charged an Administrative Fee	10% of the Review Fee
* 3rd+ submittals for review by engineer will be charged	½ of the review fee
SUBDIVISION PLAT REVIEW	
Land plan/conceptual plan	\$1,500.00
Preliminary plat/residential	Base \$500.00 plus \$10.00 per lot
Preliminary plat/commercial - industrial	Base \$500.00 plus \$20.00 per acre
Final plat/residential	Base \$500.00 plus \$10.00 per lot
Final plat/commercial - industrial	Base \$500.00 plus \$10.00 per acre
All 3rd Party Reviews above will be charged an Administrative Fee	10% of the Review Fee
Lot line Adjustment	\$20.00
Plat amendment	\$300.00
Variance Request	Residential \$200.00
Hardship Permit	Commercial \$500.00
Comprehensive sign variance program	\$75.00
Parkland Dedication Fees - (Sec 87-52 (c)(3))	\$150.00
* 3rd+ submittals for review by engineer will be charged	\$1200.00 per. lot
	½ of the review fee

Type	Fee
CIVIL AND ENGINEERING PLAN REVIEW FEES	
Civil Drawings with Plats:	
Residential (Large, > 50 lots)	\$10,000
Residential (Small-Medium, < 50 lots)	\$7,500
Non-Residential (Large Site, > 5 acres)	\$7,500
Non-Residential (Small Site, < 5 acres)	\$5,000
Plats and Re-Plats, No Civil Drawings:	
Residential (Large, > 50 lots)	\$2,500
Residential (Small-Medium, < 50 lots)	\$2,000
Non-Residential (Large Site, > 5 acres)	\$2,000
Non-Residential (Small Site, < 5 acres)	\$1,500
All 3rd Party Reviews above will be charged an Administrative Fee	10% of the Review Fee
* 3rd+ submittals for review by engineer will be charged	½ of the review fee
DEVELOPMENT POLICIES	
Tax Increment Reinvestment Zone (TIRZ)	\$5,000 per application
Public Improvement Utilities District (PID)	\$5,000 per application
In-City Municipal Utility District (MUD)	\$5,000 per application
Chapter 380 Agreement	\$5,000 per application
Development Agreement	\$5,000 per application
DEVELOPMENT DEPOSITS, INSPECTIONS, AND ADDITIONAL REVIEWS AND MEETINGS FOR ENGINEERING AND LEGAL	
Development of 1 acre or less	Minimum \$500.00
Development of 1 acre - 4.99 acres	Minimum \$2,500.00
Development of 5 acres - 49.99 acres	Minimum \$5,000.00
Development of 50 acres - 199.99 acres	Minimum \$10,000.00
Development of 200 acres or more	Minimum \$15,000.00
Processing Fee For Development Deposits	\$75.00
Inspections, Reviews, and Meetings	
City Engineer	Actual Costs
City Attorney	Actual Costs
Administrative Fee for all Inspections, Reviews, and Meetings	10% of the Inspection, review, and meeting costs

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
ANNEXATION FEES	
Due upon application for 1st Tract of land	\$3,500.00
Due upon application for each additional tract of land	\$1,500.00
RIGHT-OF-WAY USE PERMIT APPLICATION	
Utility Installation within City of Sealy Right-of-Way	\$100.00 per location
Fees are doubled if work begins before the issuance of a valid permit.	
NETWORK NODES	
Construction Permit	
Each additional nodes not to exceed 30 nodes	\$500.00 for 1 st five nodes
Annual Collocation fee	\$250.00 per node
Annual public right-of-way rate	\$20.00
\$250.00 per network node site installed in the city right-of-way	
Public right-of-way rate adjustment:	
As provided in Section 284.054 of the Code, the city may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the Consumer Price Index (CPI). The city shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the city on or after the 60th day following the written notice.	
NODE SUPPORT POLES	
Construction Permit	
Annual public right-of-way rate fee	\$1,000.00
\$250.00	
Public right-of-way rate fee:	
As provided in Section 284.054 of the Code, this amount will be adjusted by an amount equal to one-half the annual change, if any, in the consumer price index. The city shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the city on or after the 60th day following the written notice.	
TRANSPORT FACILITIES	
Construction permit	
Each additional node	\$500.00
Public right-of-way rate fee	\$250.00 per node
\$28/month per node	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
<p>Public right-of-way fee: As provided in Section 284.054 of the Code, this amount will be adjusted by an amount equal to one-half the annual change, if any, in the consumer price index. The city shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the city on or after the 60th day following the written notice; however, no rate is required if the network provider is already paying the city an amount equal to or greater than the amount of other city right-of-way fees for access lines under Chapter 283 of the Code or cable franchise fees under V.T.C.A., Utility Code, Chapter 66.</p>	
<p>MICO NETWORK NODES</p>	
No Application Fee	
Collocation of network nodes on service poles	\$20.00/year per service pole
<p>ELECTRICAL PERMIT FEES</p>	
Permit Issuance Fee	\$35.00
<p>Meter loop and service:</p>	
Up to and including 200 amps	\$25.00
Over 200 amps to and including 250 amps	\$30.00
Over 250 amps	\$40.00
Panels with eight (8) or more circuits	\$25.00/each
Electrical outlets and fixtures	\$1.00/each
Solar Panel System	6000 watts or less is \$250.00, each additional 1,000 watts is \$25.00 or fraction thereof
Generator System	25 kW or less is \$150.00, each additional kW is \$5.00 or fraction thereof
<p>Electrical appliances - domestic:</p>	
Range receptacle	\$10.00/each
Clothes dryer	\$10.00/each
Cooking top	\$10.00/each
Ovens	\$10.00/each
Garbage disposal	\$10.00/each
Dishwashers	\$10.00/each
Window air conditioner receptacle	\$5.00/each
<p>Motors and transformers, permanently installed:</p>	
Up to and including 1 HP	\$5.00/each
Over 1 HP through and including 10 HP	\$15.00/each
Over 10 HP (plus \$0.30 per HP)	\$25.00/each
Streamers and festoon lighting per circuit	\$15.00/each

CITY OF SEALY, TEXAS
MASTER FEE SCHEDULE
ORDINANCE

EXHIBIT "A"

Type	Fee
Ball Park & parking lot light poles (no outlet or fixture charge)	\$55.00/each

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
ELECTRICAL PERMIT FEES (Continued)	
Pole with guy wires	\$15.00/each
Temporary installation such as wood saws, floor-surfacing machines, paint spraying apparatus, and the like	\$30.00/installation
Temporary installation of commercial sound equipment	\$35.00/installation
Temporary lighting installations	\$30.00/installation
Temporary installation such as carnivals or similar installation for amusement show display or similar uses - 10 kVA or less	\$35.00/kVA
Temporary installation such as carnivals or similar installation for amusement show display or similar uses - all loads above 10kVA	\$25.00/kVA
Temporary saw pole	\$30.00/installation
Temporary cut-ins made permanent	\$40.00/installation
Misc Electric requiring inspection	\$30.00
*Additions to old work shall be charged for at the same rate as new work	
Reconnection fee	\$30.00
Sign inspection and installation	\$80.00
Plan examination fee	one-half of permit fee
Plan re-examination fee due to alteration of approved plans	one-half of permit fee
*Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	
Reinspection Fees*	
	\$75.00 - 1st reinspection
	\$75.00 - 2nd reinspection
	\$75.00 - 3rd reinspection
PLUMBING PERMITS	
Permit Issuance Fee	\$35.00
Gas Test Fee	\$45.00
Plumbing fixture, floor drain or trap (including water and drainage piping)	\$10.00/each
Gas piping and up to 4 outlets	\$30.00 and \$10.00 each add'l outlet
House sewer	\$20.00/each
House sewer having to be replaced and repaired	\$25.00/each
Cesspool	\$25.00/each
Septic tank and seepage pit or drain field, grease traps	\$200.00 each

CITY OF SEALY, TEXAS
MASTER FEE SCHEDULE
ORDINANCE

EXHIBIT "A"

Type	Fee
Water heater and/or vent	\$20.00/each

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
PLUMBING PERMITS (Continued)	
Installation, alteration or repair of water piping and/or water treating equipment	
Repair or alteration of drainage or vent piping	\$20.00/each
Vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served - Up to 5 Lawn Sprinkler System	\$20.00/each
*Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	\$20.00 and \$10.00 each add'l
*Fees are doubled if work begins before the issuance of a valid permit.	\$35.00
<p>*A plumbing, gas permit may be canceled by the applicant at any time within 30 days of issuance. If no work has been done under such permit, the plumbing and mechanical inspector shall refund 75 percent of the permit fee paid; however, in no case shall the city retain less than \$25.00 to cover administrative costs.</p>	
Reinspection Fees*	\$75.00 - 1st reinspection \$75.00 - 2nd reinspection \$75.00 - 3rd reinspection
MECHANICAL PERMIT FEES	
Contractor Registration fee (yearly)	\$100.00
Permit Issuance Fee	\$35.00
Inspect heating, ventilation, ductwork, air conditioning, and refrigeration system	\$30.00 for 1st \$1,000.00 or fraction thereof, of valuation plus \$4.00 each add'l \$1,000.00 plus \$4.00 for each \$1,000.00 or fraction thereof
Boiler Inspections (based upon Btu input):	
33,000 Btu (1Bhp) to 165,000 (5 Bhp)	\$15.00
165,001 Btu (5BHp) to 330,000 (10 Bhp)	\$25.00
330,001 Btu (10BHp) to 1,165,000 (52 Bhp)	\$35.00
1,165,001 Btu (52 Bhp) to 3,300,000 (98 Bhp)	\$55.00
Over 3,300,000 Btu (98 Bhp)	\$75.00
Reinspection fee of a heating, ventilation, air conditioning, or refrigeration system, boiler installation	\$15.00
Temporary operation inspection fee	\$15.00
Self-Contained units less than two tons	Total cost of all units combined

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
MECHANICAL PERMIT FEES (Continued)	
Reinspection Fee*	\$75.00 - 1st reinspection \$75.00 - 2nd reinspection \$75.00 - 3rd reinspection
*Mechanical permit may be canceled by the applicant at any time within 30 days of issuance. If no work has been done under such permit, the plumbing and mechanical inspector shall refund 75 percent of the permit fee paid; however, in no case shall the city retain less than \$25.00 to cover administrative costs.	
*Fees are doubled if work begins before the issuance of a valid permit.	
*Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	
COMMERCIAL FIRE ALARM SYSTEM	
Contractor Registration Fee (yearly)	\$100.00
Permit Issuance Fee	\$35.00
Fire Alarm System Inspection Fee plus, each device	\$200.00 \$2.00
Reinspection Fee*	\$150.00 - 1st reinspection \$150.00 - 2nd reinspection \$150.00 - 3rd reinspection
*Fees are doubled if work begins before the issuance of a valid permit.	
*Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	
COMMERCIAL FIRE SUPPRESSION SYSTEM INSPECTIONS	
Contractor Registration Fee (yearly)	\$100.00
Permit Issuance Fee	\$100.00
Automatic Fire Sprinkler System Wet/Dry Fee plus, each head	\$200.00 \$2.00
All Inspections, including inspections for items listed under Commercial and Mechanical Inspections After hours and weekends	\$200.00 \$400.00 per inspection
COMMERCIAL FIRE SUPPRESSION SYSTEM INSPECTIONS (Continued)	
Reinspection Fee*	\$150.00 - 1st reinspection \$150.00 - 2nd reinspection \$150.00 - 3rd reinspection
*Fees are doubled if work begins before the issuance of a valid permit.	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
*Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	
COMMERCIAL AND MULTIFAMILY FIRE CODE PLAN REVIEW	
Fire Sprinkler system installation first 10,000 square feet	\$200.00
Fire Sprinkler system each additional 10,000 square feet	\$100.00
Fire Sprinkler Remove, Add, or Release over 1-25 sprinkler heads	\$100.00
Fire Sprinkler Remove, Add, or Release over 25 sprinkler heads	\$100.00
Fire Sprinkler Specialty Systems to include dry, foam, anti-freeze, and fixed-fire suppression will be in addition to fee above for each system.	\$150.00
Fire Alarm system installation first 20,000 square feet	\$100.00
Fire Alarm system installation first 20,000 square feet	\$100.00
Fire Pump - each pump, Smoke Control System, Standpipe System, Underground Private Fire Main, Fire Protection Water Supplies, Emergency Standby Power Systems - Generator, and Fire Apparatus Access Roads - Site Private Fire Hydrant - each	\$125.00
Premise Identification - Address	\$25.00
Key Box - Rapid Entry Access	\$25.00
Elevator Operation and Service Keys	\$100
Emergency Standby Power Systems - Generators	\$75.00
Commercial Kitchen Hoods - Suppression System not included (fee for specialty system above)	\$75.00
Commercial Kitchen Cooking Oil Storage	\$75.00
Fire Protection Systems Required	\$75.00
Portable Fire Extinguishers	\$75.00
Interior Finishes and Decorative Vegetation	\$200.00
Mechanical Refrigeration - Cold Storage	\$900.00
Stationary Battery Storage	\$150.00
Dry Cleaning Facilities	\$300.00
Combustible Dust-Producing Operations	\$300.00
Motor Fuel Dispensing Facilities	\$300.00
Lumber Yard / Agro-Industrial / Solid Biomass / Woodworking Facilities	\$350.00

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
Flammable Finishes	\$300.00
Compressed Gases	\$350.00
Carbon Dioxide Beverage Dispensing	\$200.00
Liquefied Petroleum Gases - except Propane	\$300.00
Temporary Fuel Storage / Dispensing	\$150.00
Aviation Facilities	\$800.00
Low-Pile Storage	\$200.00
High-Pile Storage	\$1,000.00
Hazardous Materials	\$1,000.00
Access Control Locks	\$150.00
COMMERCIAL FUEL TANKS	
Contractor Registration Fee	\$100.00
Permit Issuance Fee	\$35.00
Underground Fuel Tank Removal	\$250.00 per tank
Underground Fuel Tank Installation	\$250.00 per tank
Aboveground Fuel Tank Installation	\$250.00 per tank
Fuel Dispenser	\$25.00 each
After hours and weekends	\$500.00 per inspection
Reinspection Fee*	\$75.00 - 1st reinspection
	\$75.00 - 2nd reinspection
	\$75.00 - 3rd reinspection

*Fees are doubled if work begins before the issuance of a valid permit.

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
*Reinspection fees are required for failed inspections and must be paid prior to the reinspection.	
WOODCHIPPING SERVICES	
CHIPPING RATES:	
No free minute will be provided as in the past. Chipping is to be billed at a rate of:	\$3.00 for the first minute with a minimum charge of \$5.00
City crews to determine if the pickup would be more cost effective for the customer using the tractor or chipping. No stumps or bushes will be chipped. Trunk pieces to be no	
HEAVY LIMB PICK-UP:	
No free minutes will be provided as in the past. Heavy pick-up is to be billed at a rate of:	\$4.50 per minute, with a minimum charge of \$25.00
All limbs to be stacked with the ends facing the curb in a neat pile. No limbs over six feet (6') in length. Root balls are required to have the dirt removed prior to pick-up. Heavy	
FINANCIAL POLICIES	
RETURNED PAYMENTS:	
Collection of a check or bank draft drawn on an account with insufficient funds or returned unpaid for any other reason	\$30.00
DEBIT/CREDIT CARD PROCESSING SERVICES:	
Any City-provided goods and services paid for in person, by telephone, fax, or via the internet	3.5% of transaction amount or a minimum of \$0.95, whichever is larger
ELECTRONIC CHECK PROCESSING SERVICES:	
Any City-provided goods and services paid for in person, by telephone, fax, or via the internet	\$1.95 per payment
Any payment not honored by a credit card company subsequent to approval	
UTILITY BILLING SERVICES:	
Any request for external notices to insert literature into city utility billing envelopes; literature must first be approved by the City Manager prior to placement.	30% markup from City's cost, rounded to the nearest whole dollar, to be paid in advance of services.
*All customers incurring delinquent charges of \$10.00 or more shall be assessed an administrative fee in accordance with the fee schedule adopted by the council	
Utility Bad Debt Payment:	30% reimbursement for collection cost

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
BLUEBONNET GROUNDWATER CONSERVATION DISTRICT FEES	
Based on consumption for each water meter	\$0.07 per 1,000 gallons
WASTEWATER/SEWER DISCHARGE FEES	
Wastewater Discharge Permit	\$200.00
Renewing and/or transferrng wastewater	\$100.00
Fee for monitoring, inspection, and surveillance procedures, including the cost of collections	\$100.00
DRAINAGE DISCHARGE FEES	
Residential	\$2.00 per month/ per unit
Non-Residential	Base fee of \$2.00 multiplied by number of ERU's

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type		Fee
IMPACT FEES		
Water		\$3,381 / per unit*
Sewer		\$3,784 / per unit*
* Refer to the AWWA Equivalency Table for Unit Ratio		

AWWA Equivalency Table

Meter Size (Inch)	Meter Type	Continuous Duty Maximum Flow Rate (gpm)	Ratio to 5/8-inch Meter	Meter Size (Inch)	Meter Type	Continuous Duty Maximum Flow Rate (gpm)	Ratio to 5/8-inch Meter
5/8	Displacement Type	10	1.0	4	Compound	300	30.0
5/8x3/4	Displacement Type	10	1.0	4	Turbine Vertical Shaft	420	42.0
3/4	Displacement Type	15	1.5	4	Turbine High Velocity	650	65.0
1	Displacement Type	25	2.5	6	Compound	675	67.5
1.5	Displacement Type	50	5.0	6	Turbine Vertical Shaft	865	86.5
2	Displacement Type	80	8.0	6	Turbine High Velocity	1,400	140.0
2	Compound	80	8.0	8	Compound	900	90.0
3	Compound	175	17.5	8	Turbine High Velocity	2,400	240.0
3	Turbine Vertical Shaft	220	22.0	10	Turbine High Velocity	3,500	350.0
3	Turbine High Velocity	350	35.0	12	Turbine High Velocity	4,400	440.0

CITY OF SEALY, TEXAS
MASTER FEE SCHEDULE
ORDINANCE

EXHIBIT "A"

Type	Fee
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Type	Fee
WATER AND SANITARY SEWER RATES	
Water:	
Radio Transmission Fee (per. month)	\$0.89
Fixed charges (per. month)	
¾ -inch	\$20.30
1-inch	\$30.20
1 ½ -inch	\$74.40
2-inch	\$116.50
3-inch	\$261.60
4-inch	\$445.30
6-inch	\$992.70
8-inch	\$1,190.20
10-inch	\$1,487.80
0-2,000 gallons (minimum charge)	\$2.00 or fraction thereof
2,001-8,000 gallons (per 1,000 gallons)	\$4.20 or fraction thereof
8,001-23,000 gallons (per 1,000 gallons)	\$5.40 or fraction thereof
Greater than 23,000 gallons (per 1,000 gallons)	\$6.70 or fraction thereof
Bulk Water Rates: Bulk Water/Fire Hydrant Meters:	
Minimum charge (less than 1,000 gallons)	\$100.00 or fraction thereof
1,000 gallons or more (per 1,000 gallons)	\$50.00 or fraction thereof
Sanitary Sewer:	
Fixed charges (per. month)	
Residential	\$24.10
Commercial	\$79.20
Industrial	\$120.00
Government	\$79.20
Non-Profit Flat <8,000 gal Water Usage and <1-1/2 in water service - (flat rates do not have volumetric component)	
Residential Flat – (flat rates do not have volumetric component)	\$24.00
Commercial Flat – (flat rates do not have volumetric component)	\$42.20
Commercial Flat – (flat rates do not have volumetric component)	\$57.70

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
0-2,000 gallons	\$2.30 or fraction thereof
Greater than 2,000 gallons	\$4.95 or fraction thereof
Sanitary Sewer Surcharge	
<p>Industrial Waste Established Surcharges:</p> <p>(a) The surcharges are to provide for the reimbursement of costs to the city to provide treatment for those wastes of quantity and strength produced by industrial processes, including wastes of characteristics difficult to treat for final disposal, but are accepted without pretreatment.</p> <p>(b) These surcharges are in addition to base sewer service charge, sanitary sewer connection charges and/or industrial cost recovery charges established by the city.</p> <p>(c) All surcharges established in this subdivision shall be an obligation of the permittee as a condition of keeping his permit valid.</p> <p>Computation of Surcharge:</p> <p>The surcharges to be determined for producers of industrial waste will be computed by the use of the following formula:</p> $S = BC \times F \times [(A/100 - 1) + (B/250 - 1) + (C/400 - 1) + (D/250 - 1)]$ <p>S = Surcharge in dollars BC = Base sewer service charge in dollars A = Total of actual measured oil and grease in mg/l, but not less than 100. B = Total of actual measured BOD in mg/l, but not less than 250. C = Total of actual measured COD in mg/l, but not less than 400. D = Total of actual measured suspended solids in mg/l, but not less than 250. F = Cost factor which is the factor of \$0.40.</p>	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
<p>For single- unit consumers with City water service, the billing rate structure consists of two components: A monthly fixed charge for the service, regardless of water meter size, For multiple- unit consumers utilizing a single water meter, the billing rate structure consists of two components: A monthly fixed charge for the service, regardless of water meter size, multiplied by the number of units being served plus Tiered volumetric charges per thousand gallons of water consumed, as registered by the water meter serving the consumer and based on a winter averaging calculation specified below. In calculating the charge, the number of gallons specified in each tier is multiplied by the number of units being served to determine the upper consumption limit for that tier.</p>	
<p>WATER AND SANITARY SEWER RATES (Continued)</p>	
<p>Note: Sanitary sewer charges for residential and commercial accounts are calculated based upon water consumed as registered by the water meter serving each consumer.</p>	
<p>WATER / SANITARY SEWER TAPS FEES</p>	
<p>Water Tap Fees:</p>	
<p>3/4-inch service</p>	<p>\$1,400.00</p>
<p>1 inch service</p>	<p>\$1,675.00</p>
<p>Boring fee shall be charged if the main is located on the opposite side of the street (per foot)</p>	<p>\$30.00</p>
<p>Services of larger sizes will be determined by the Water Superintendent on a cost-plus basis. Installation fee shall be paid prior to installation and connection</p>	
<p>Sanitary Sewer Tap Fees:</p>	
<p>4-inch service</p>	<p>\$1,100.00</p>
<p>Additional tap or larger than four inches (4") will be determined by Water/Sewer Superintendent including a proper allowance for labor performed.</p>	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
Boring fee shall be charged if the main is located on the opposite side of the street (per foot)	\$50.00
* The boring fee should only be charged for an original sewer tap installation.	
WATER / SANITARY SEWER / SOLID WASTE SERVICE DEPOSITS	
Residential: Owner Occupied	\$75.00
Residential: Senior Citizen (65 or over)	\$40.00
Residential: Tenant and/or mobile home	\$125.00
Commercial	1 1/2 times estimated bill; however, the minimum deposit shall be no less than \$250.00
NATURAL GAS TAPS FEES	
Gas Tap Fees For Connection: The rates applicable for a gas service tap for residential, commercial, and industrial use are as follows:	
One inch (1") residential service tap: service line up to 100 feet in length, meter, and regulator)	\$1,200.00
Boring fee shall be charged if the gas main is located on the opposite side of the street (per foot)	\$30.00
For all service taps over one inch (1") in size or service lines over 100 feet in length: actual cost of installation, including, but not limited to, the cost of materials, labor, The one inch (1") tap fee shall be paid before the tap is made. The larger taps may be billed to owner and will be due within ten (10) days after receipt of bill.	

Type	Fee
NATURAL GAS RATES	
<p>For single-unit consumers, the billing rate structure consists of three components:</p> <ol style="list-style-type: none"> 1. Monthly fixed charge for the service, based on the type of consumer, plus 2. (Based on the type of consumer), a volumetric charge per hundred cubic feet (CCF) of gas consumed, as registered by the gas meter serving the consumer during the billing period, plus 3. Fuel adjustment factor per CCF of gas consumed that adjusts monthly to pass-through the actual cost of gas (as provided to the City through the contract with its current gas supplier). 	
<p>For multiple-unit consumers utilizing a single gas meter, the billing rate structure consists of three components:</p>	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
The following rates shall be charged for each month of service from the City's natural gas system. Charges for gas supplied by the City's gas system shall be based on the gas	
Fixed Charges (per month)	
Residential	\$11.60
Commercial	\$40.00
Industrial	\$600.00
Governmental	\$58.20
Volumetric Base Charges (per CCF)	
Residential	\$0.88
Commercial/Governmental	\$1.14
Small Industrial – Monthly Usage 25,000 CCF and under	\$0.83
Medium Industrial – Monthly Usage 25,001 to 50,000 CCF	\$0.59
Large Industrial – Monthly Usage 50,001 to 100,000 CCF	\$0.59

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
Extra Large Industrial – Monthly Usage 100,001 CCF and Above	\$0.59
* Industrial Contracts: The City may negotiate industrial contracts as needed regarding rates, charges, and deposits.	
GAS SERVICE DEPOSITS	
Residential: Owner-occupied	\$75.00
Residential: Senior citizen (age 65 or older)	\$40.00
Residential: Tenant-occupied/mobile home or manufactured home	\$300.00
Commercial	1 ½ times the estimated monthly bill; however, the minimum deposit shall be no less than \$250.00
All deposits shall be paid in cash by the customer before any connection shall be made. Any deposit shall be refunded only after the customer gives notice to the City that such service is to be disconnected. All deposits shall be held by the City as security for the payment of all services rendered by the City to the customer, as well as for damages to providing for payment: The bill for gas service shall become due and payable at the City office of said City on the first (1st) day of each month. A ten percent (10%) penalty shall be added if paid after the tenth (10th) day of the month, and shall be delinquent if not paid on or before the twentieth (20th) day of such month. The City Manager, or	
For billing purposes, multi-family dwellings containing more than one (1) independent dwelling unit that share one (1) meter shall be billed that number of minimum charges	
Disconnect and Reconnect: The City shall cause service of said system to be disconnected and discontinued on and after the date that any bill shall become delinquent.	
<p>Administrative Fee</p> <p>All customers having delinquent bills of ten dollars (\$10.00) or more shall be assessed an administrative fee, regardless of whether service is disconnected or not; this fee, along with the full amount of the delinquent bill, must be paid in order to maintain service connection or to attain service reconnection.</p> <p style="text-align: right;">\$30.00</p>	

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

EXHIBIT "A"

Type	Fee
After hours and weekends connection/reconnection of service	\$30.00
Service charge will be made for any requested summer disconnection and winter reconnection of gas service	\$15.00
SOLID WASTE RATES	
<p>Solid waste and recyclables shall be picked up and removed by the City's contractor, Texas Disposal Systems ("TDS"), from each residence and non-residential establishment within the City at the following rates. When residential and non-residential activities are located within the same building, the commercial billing fee schedule will be applied to the utility account. For multiple-unit customers, the monthly fixed charge will be multiplied by the number of units. If the disposal of solid waste of a particular establishment is prohibited under the terms of the operating permit of the landfill facility being utilized by the City or its contractor, such establishment must make TDS will not be collecting customers' garbage or recyclables on any scheduled collection day that falls on New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.</p>	
<p>Each residence will also be provided curbside collection one (1) time per month on the customer's last day of pickup for the month. TDS will collect up to three (3) cubic yards per pickup of bulky waste or brush collected. Brush must be cut no longer than four (4) feet in length and three (3) inches in diameter. Brush must be bundled and tied and Single-stream recycling will be collected one (1) time every-other-week for each Residential Unit. The Contractor will provide one (1) ninety-six (96) gallon cart specifically for</p>	
RESIDENTIAL RATES AND CHARGES	
Standard service (one cart)	\$36.80
Each additional cart	\$18.80
RESIDENTIAL SERVICE DEPOSITS	
Residents having water, sanitary sewer, or natural gas service with the City are not required to pay an additional deposit for solid waste service. If the resident has only solid Owner Occupied	\$75.00

CITY OF SEALY, TEXAS
MASTER FEE SCHEDULE
ORDINANCE

EXHIBIT "A"

Type	Fee
Senior Citizen (65 or older)	\$40.00

Type		Fee
Tenant-occupied/mobile or manufactured home		\$125.00
<p>* All deposits shall be paid in cash by the customer before any service shall be provided. Any deposit shall be refunded only after the customer gives notice to the City that such service is to be discontinued. All deposits shall be held by the City as security for the payment of all services rendered by the City to the customer, as well as for damages to any City property. The City Manager is authorized to adjust the deposit(s) for service on a case-by-case basis.</p>		
COMMERCIAL RATES AND CHARGES		
<p>Every customer having a commercial building utility connection is presumed to be making substantial use of the solid waste collection service and is required to establish such Customers that utilize roll-off containers must contract directly with TDS for their garbage collection needs. These entities may contact TDS at (800) 375-8375.</p>		
Commercial pricing for Container Service:		

Commercial - Solid Waste							
Container Size	Fixed Charges (Per Month)						
	1x Per Week	2x Per Week	3x Per Week	4x Per Week	5x Per Week	6x Per Week	Extra Pick-Up
2CY	\$195.40	\$364.10	\$536.10				\$116.90
3CY	\$227.10	\$432.50	\$634.50				\$121.90
4CY	\$268.90	\$506.00	\$746.40	\$983.50	\$1,220.60		\$124.90
6CY	\$364.10	\$678.00	\$996.90	\$1,305.80	\$1,624.80		\$133.50
8CY	\$454.20	\$843.30	\$1,234.00	\$1,624.80	\$2,012.20	\$2,303.00	\$158.60
Cart 96 Gallon	\$83.36						

Type	Fee
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COMMERCIAL RATES AND CHARGES (Continued)	
Lock Bars	\$43.50
Casters	\$43.50
Commercial Recycling:	

Commercial - Recycle		
Fixed Charges (Per Month)		
Container Size	Every Other Week	1x Per Week
4CY	\$135.20	\$228.70
6CY	\$182.00	\$308.90
8CY	\$227.10	\$384.90
Cart 96 Gallon	\$31.80	\$64.60
All Waste Must Be Containerized		

Providing for Payment; Discontinue Service:
Bills for solid waste and recycling services shall become due and payable at the City office of said City on the first day of each month.
A ten percent (10%) penalty shall be added to the bill if paid after the tenth (10th) day of the month, and a bill shall be delinquent if not paid on or before the twentieth (20th) day of the month, and the City shall have the right to discontinue the solid waste and recycling services to any person (or premises) that fails or refuses to make timely payment of solid waste and recycling services.

CITY OF SEALY, TEXAS
 MASTER FEE SCHEDULE
 ORDINANCE

Type	Fee
All customers having delinquent bills of ten dollars (\$10.00) or more shall be assessed an administrative fee, regardless of whether service is disconnected	\$30.00
It shall be presumed that every person having an active residential, apartment, or commercial building is making substantial use of the solid waste and recycling services and For billing purposes, multi-family dwellings containing more than one (1) independent dwelling shall be billed for each unit the minimum charges whether occupied or not.	

CITY RENTAL VENUES			
FACILITY – GENERAL PUBLIC USE (4 hours)	DEPOSIT	BASE RATE	ADDITIONAL HOURS
Liedertafel Hall	\$350	\$850 (up to 4 hrs.)	\$50/hr
Mark A. Chapman Park Pavilion	\$100	\$180 (up to 4 hrs.)	\$25/hr
W. E. Hill Community Center	\$250	\$450 (up to 4 hrs.)	\$50/hr
Abe & Irene Levine Park Pavilion	\$50	\$40 (all day)	N/A
FACILITY – NON PROFIT USE (3 hours) (3 days per yr.)	DEPOSIT	BASE RATE	ADDITIONAL HOURS
Liedertafel Hall	\$150	\$150 (up to 3 hrs.)	\$50/hr
Mark A. Chapman Park Pavilion	\$150	\$150 (up to 3 hrs.)	\$25/hr
W. E. Hill Community Center	\$150	\$150 (up to 3 hrs.)	\$50/hr

Type		Fee			
FACILITY – NON PROFIT USE (Reoccurring Meetings)		HOURLY RENTAL RATE			
Mark A. Chapman Park Pavilion		\$25/hr			
CITY RENTAL VENUES (Continued)					
DEPOSIT		Liedertafel Hall	Mark A. Chapman Park Pavilion	W. E. Hill Community Center	Abe & Irene Levine Park Pavilion
Mark A. Chapman Park Pavilion		\$150			
ADDITIONAL FEES (deducted from deposit or directly billed)					
Tables/Chairs not cleaned and/or returned to storage	\$25		\$25	\$25	N/A
Garbage not removed and taken from facility	\$25		\$25	\$25	\$25
Restrooms not cleaned	\$50		\$50	\$50	N/A
Air/Heat or lights left on	\$75		\$75	\$75	\$50
Debris left in or around the facility creating unsanitary or unhealthy conditions, such as food, diapers, etc.	\$100		\$100	\$100	\$50
Not securing the facility upon departure	\$100		\$100	\$100	N/A
Use of confetti, tape, nails or tacks within the facility	\$50		\$50	\$50	\$50
Floors not swept (or mopped in the case of a spill)	\$50		\$50	\$50	N/A
Facility key not picked up or returned on time	\$25		\$25	\$25	N/A
Day Prior for Decorating (Up to three hours. Can be deducted from security deposit)	\$50/hr		N/A	N/A	N/A
Day Prior for Decorating (Four hours. Can be deducted from security deposit)	\$150		N/A	N/A	N/A
Day Prior for Decorating Base Rate for five or more hours (paid up front, not eligible for deduction from security deposit)	\$500		N/A	N/A	N/A

Item #11

ORDINANCE NO. 2025_____

AN ORDINANCE OF THE CITY OF THE CITY OF SEALY, TEXAS, ESTABLISHING NO PARKING/TOW AWAY ZONES ON SAN FELIPE RD, SEALY RD, GARLAND ST AND DOWNEY RD WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, The City Council of the City of Sealy, Texas, (“City”) finds that parking vehicles on the either side of San Felipe Rd., Sealy Rd., Garland St. and Downey Rd. as defined in Section 2 presents a public safety hazard; and

WHEREAS, the roadways are approximately 20 feet wide and vehicle parking would impede traffic movement and emergency vehicle access; and

WHEREAS, the City Council deems it necessary and advisable to establish on No Parking/Tow Away zones on both sides of San Felipe Rd, Sealy Rd, Garland St. and Downey Rd in the locations defined in Section 2; and

WHEREAS, the City shall erect No Parking/Tow Away signs on both sides of San Felipe Rd., Sealy Rd., Garland St. and Downey Rd. in the locations defined in Section 2;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. The facts and recitations contained in the preamble of this Ordinance are found to be true and correct and incorporated herein for all purposes.

Section 2. It shall be unlawful for any person, having registered in his or her name a motor vehicle, owning a motor vehicle, operating a motor vehicle, or having

care, custody, or control of a motor vehicle, to allow or permit the vehicle to be parked or left standing on either side of:

- A) San Felipe Rd. between Anderson St. and Sealy Rd.
- B) Sealy Rd. between San Felipe St. and 600 ft north of the first curve in Sealy Rd.
- C) Garland St. between Anderson St. and the dead end.
- D) Downey Rd. to 600 ft north of the San Felipe Rd. Intersection.

, between the hours of 5:00 pm on Fridays until 6:00 am on Mondays.

Section 3. When any person is charged with violating this Ordinance, then proof that the vehicle was owned by the person charged with the offense on the date of the alleged offense shall constitute prima facie evidence that the vehicle was parked or left standing at the place by the owner, but the owner shall have the right to introduce evidence to show that such vehicle was not parked or left standing by him or her as charged by citation or complaint.

Section 4. City staff are directed to cause the placement of official traffic control devices giving notice of No Parking/Tow Away zones, as described in Section 2 above, through the erection of signage. All signage shall comply with the Texas Manual on Uniform Traffic Control Devices.

Section 5. *Penalty for Violation – Fine.* Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each occurrence of any such violation of

this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 6. *Penalty for Violation – Towing.* Vehicles illegally parked or standing in violation of Section 2 above also may be removed and impounded in the manner provided under Chapter 2308 of the Texas Occupations Code. The City of Sealy, Texas, or its officers, agents, employees, or representatives shall not be responsible for any damage to any vehicle(s) removed and impounded.

Section 7. *Defense to Prosecution.* It is a defense to prosecution that the registered owner of the vehicle resides at the address where the vehicle is parked.

Section 8. *Repeal.* All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 9. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 10. *Effective Date.* This Ordinance shall be effective immediately and enforced when published as required by law and when signs are erected.

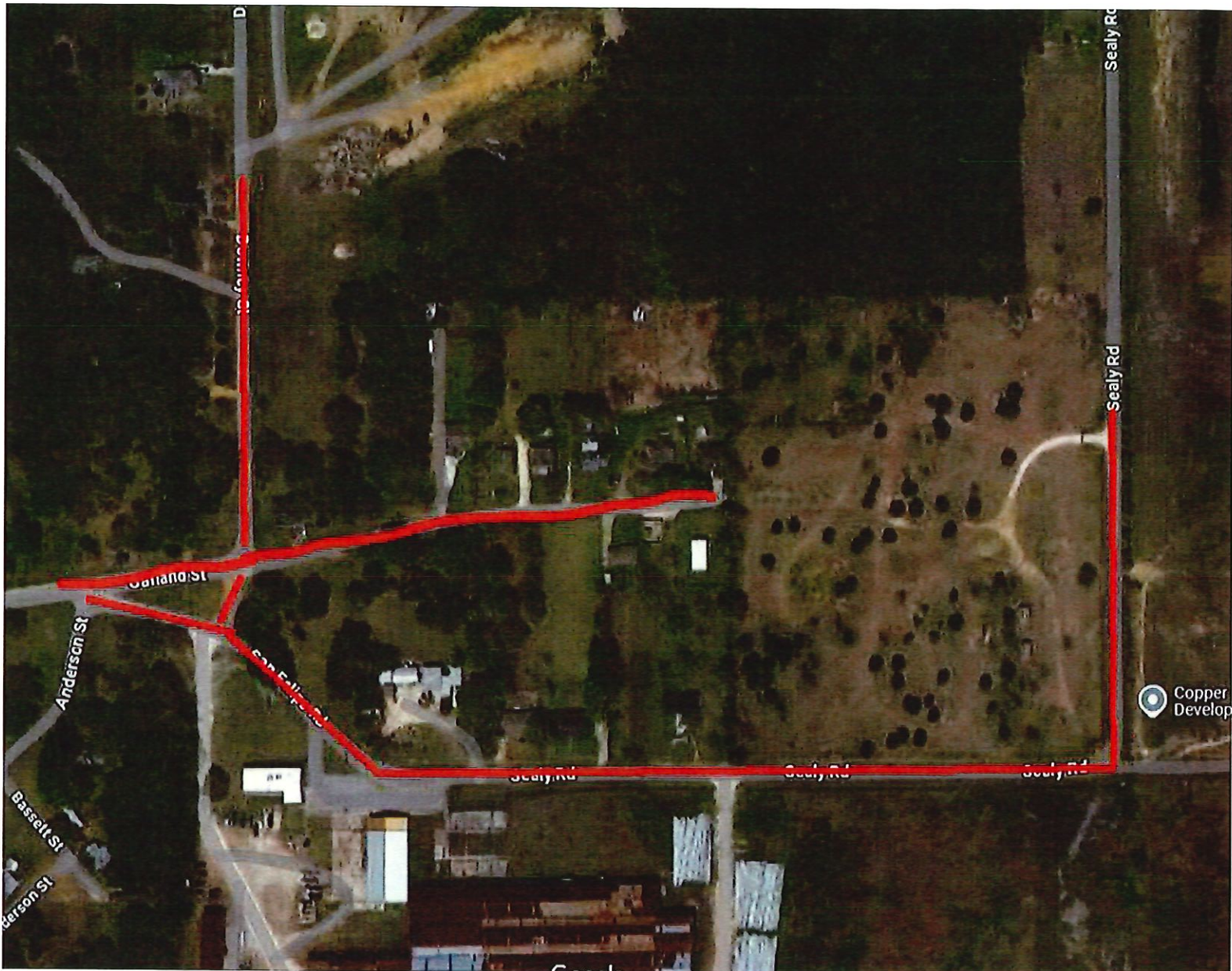
PASSED, APPROVED, and ADOPTED on FIRST READING this _____
day of _____, 2025.

PASSED, APPROVED, and ADOPTED on SECOND READING this
_____ day of _____, 2025.

Carolyn Bilski, Mayor

ATTEST:

Sandra Vrabec, City Secretary



Item #12



AGENDA ITEM NO: 12

SUBMITTED BY: Patrick Parsons, Public Works Director
MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

Discussion and Possible Action regarding Reimbursement of Sewer Tap Replacement Fees.

ANALYSIS

In the past three years we have looked at sewer tap replacements that were paid by home owners when the sewer taps collapsed. There were 11 homes that have paid for a new sewer tap in the last 3 years.

Address:

413 North Fowlkes	402 Fourth Street	940 Garland	768 Fourth Street
616 Sixth Street	714 Seventh Street	1122 Atchison Street	710 Seventh Street
637 Fifth Street	719 Fifth Street	628 Second Street	

RECOMMENDATION

Staff Recommends to approve and pay back for the past three years these sewer tap replacements.

FINANCIAL IMPACTS

Total of all the collapsed Sewer taps paid is \$11,765 dollars.

Item #13

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CITY OF SEALY BOARDS AND COMMISSIONS POLICY

Approved June 17, 2025



CITY OF SEALY
BOARDS AND COMMISSIONS POLICY
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CITY OF SEALY BOARDS AND COMMISSIONS POLICY

PURPOSE AND SCOPE

The purpose of this Boards and Commission Policy is to establish a single, comprehensive reference framework that governs the operations of all advisory boards and commissions within the City of Sealy. This policy is intended to ensure consistency in governance, procedural clarity, and adherence to applicable City Ordinances and State law. uniform procedures for all advisory boards and commissions of the City.

By consolidating policies into one uniform document, the City aims to promote a high standard of accountability, facilitate transparency, and ensure alignment with the strategic goals and vision of the Sealy City Council. This unified approach eliminates the need for separate policies for each board or commission and provides a centralized, reliable source of guidance for all participants.

This policy also affirms the City's commitment to equipping each board and commission with tools, information, and procedural support necessary for effective performance. When members are well-informed and understand the broader goals of the City Council, it enhances communication, fosters a culture of civic responsibility, and supports thoughtful long-term planning and decision making.

The members who commit to considering, researching, reviewing, investigating, and performing due diligence before making recommendations to the City Council represent one of the community's most valuable tools. Their service is vital to ensuring a thorough, transparent, and responsible public process, and this policy is designed to support their efforts at every level.

Board and commission members are appointed by the Sealy City Council ("Council"), at the recommendation of the Mayor, and serve at the pleasure of Council, and will not be granted

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~~special privileges because of their appointment. For the sake of brevity, the use of the term "board" throughout this Policy shall be interpreted to include the term "commission" except where the context requires otherwise.~~

~~This policy applies to all persons appointed to boards and commission by Council. Persons appointed by other governmental bodies or entities may not be required to abide by all the rules outlined in this Policy.~~

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MEMBER ELIGIBILITY

~~Applicant qualifications include the following: To be eligible for appointment to a City board or commission, an applicant must meet the following qualifications:~~

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- Must be a qualified resident of the City of Sealy* for at least one (1) year prior to the date of the appointment (unless specified otherwise in this policy);
- Must be a qualified voter in the City of Sealy*
- Must be at least 21 years of age;
- May not apply to serve on the same board with any immediate family members; and
- Regular full-time City employees are not eligible unless required by federal, state or local laws or regulations; and
- Immediate family members of City employees may not apply to serve on City boards

~~*NOTE: TIRZ #2 Board may be subject to additional residence requirements~~

RECRUITMENT AND ADVERTISEMENT OF VACANT POSITIONS

~~To ensure transparency and encourage public participation, the City of Sealy will actively ^{advertise vacancies on boards and commissions with terms expiring on May 31st of each year.} Advertising of ~~scheduled board vacancies for terms expiring on May 31st~~ will begin on or ~~near~~ around March 1st. ~~By the first week of March, the City Secretary will post information regarding available positions through multiple channels, including the City's website, Facebook page, or The Sealy News, inviting qualified individuals to apply.~~~~

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~~Advertisement for board volunteer ~~Recruitment efforts may include,~~ be conducted in a variety of ways, including, but ~~are~~ not limited to:~~

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- Posting of notice on official City bulletin board;
- Posting of notice in *The Sealy News*;
- ~~Website advertisements, Publishing announcements on the City's website;~~
- Posting on the City of Sealy's official Facebook account;
- Outreach through Recommendation by invitation

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SAMPLE ANNUAL ADVERTISEMENT IN LOCAL NEWSPAPER

City of Sealy Accepting Applications and Interviewing for Volunteer Positions to Serve on Boards and Commissions

The City of Sealy is looking for volunteers to serve on City Boards and Commissions. These organizations play a significant role in the City of Sealy's future by advising and making recommendations to city staff and the City Council.

The **PARKS BOARD** works with the Director of Public Works to advise and make recommendations to the City Manager and the City Council on matters affecting parks and recreation programs as well as advising on effective policies, and improvements and beautification of parks in the City of Sealy. Regular meetings are held quarterly on the third Wednesday.

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The **PLANNING COMMISSION** works with the Director of Planning to advise and make recommendations to City Council on matters related to planning and community development. The Planning Commission is also responsible for developing and recommending adoption of a comprehensive plan for future development of the City of Sealy. Additionally, the Planning Commission will review proposed subdivisions and variance requests. Members shall be knowledgeable in real estate and development, with an overall interest in the City's infrastructure, safety, health and well-being. Regular meetings are held on the second Wednesday of each month at 6:00 pm.

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The **SEALY ECONOMIC DEVELOPMENT CORPORATION** promotes economic and community development in the City of Sealy and helps to promote and/or develop municipal infrastructure related to the development or expansion of business and advising on development of community amenities. Board members shall be knowledgeable in finance, community development and tourism, and economic development and business retention. Regular meetings are held on the fourth Tuesday of each month at 6:00 pm.

The **TAX INCREMENT REINVESTMENT ZONE #2/SEALY DEVELOPMENT AUTHORITY BOARD OF DIRECTORS** advises the City Council on matters related to Tax Increment Reinvestment Zone #2. Meetings are held annually.

For information regarding eligibility requirements for each of these boards and commissions, call the City Secretary at 979-885-3511 or stop by the City Secretary's Office located at 415 Main Street. Applications can be picked up in person & are available online at www.ci.sealy.tx.us. The application deadline is *(this date changes annually and should reference the first Friday in May)*.

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APPLICATION PROCESS

~~On or by the first week of March of each year, the City Secretary will post information on the City's website, social media site(s), and in The Sealy News encouraging qualified people to complete and submit an application to serve on a board.~~

All ~~qualified eligible~~ ~~eligible~~ individuals seeking appointment to a City board or commission must follow the established application process. ~~persons, applying for the first time, must complete an~~

New Applicants:

Individuals applying for the first time must complete an "Application for Appointment to City of Sealy Boards and Commission" form. ~~This form must be~~ and submitted ~~it~~ to the City Secretary by May 1st.

Current Members Seeking Reappointment:

~~Incumbent members wishing to continue serving on their current board or commission must complete and submit a~~ ~~wanting to be reappointed to their current board/commission must submit a~~ "Request for Re-Appointment to City of Sealy Boards and Commission" form to the City Secretary by May 1st.

Current Members Seeking Appointment to a Different Board:

If a current member ~~would like~~ ~~wishes~~ to be considered for ~~appointment to~~ a different board or commission, ~~he/she will need to~~ they must complete and submit the "Application for Appointment" form for the ~~desired position,~~ board or commission for which they would like to be considered.

The "Application for Appointment form to City of Sealy Boards and Commission" will solicit ~~collects~~ information about the applicant's background, including ~~current and past~~ ~~occupations and involvement in and knowledge of issues related to~~ ~~relevant work history,~~ ~~areas of expertise, and experience or knowledge related to~~ the subject ~~matter~~ of the board ~~they to which they are applying to.~~ In addition to the completed application, applicants are encouraged to submit a short bio or resume ~~along with their application.~~ ~~Persons~~ ~~Individuals~~ may apply for more than one board.

~~A shorter "The Request for Re-Appointment" form is a shorter version used exclusively by~~ ~~current board members seeking another term.~~ Like new applications, these forms must be submitted to the City Secretary's Office by the deadline. ~~will be used for incumbent board members seeking another term.~~ Incumbents will also be required to submit their request to ~~serve another term to the City Secretary's office.~~

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SELECTION PROCESS

With the exception of the Charter Review Commission, ~~the Mayor will shall~~ review all ~~submitted~~ applications and ~~will make a~~ recommendation of appointments to City Council. ~~for approval by~~ Appointments will be confirmed by a majority vote of the ~~the last~~ City Council meeting and are typically made by the last regularly scheduled Council meeting in May, ~~requiring a majority confirmation vote of approval by City Council. In the event if~~ appointments are not ~~made by the last City Council meeting in May finalized at that time, all~~ current members ~~with whose terms are~~ expiring ~~terms will shall~~ continue to serve until their successors ~~are is~~ appointed and confirmed by Council.

TERM OF OFFICE

With the exception of the Charter Review Commission, ~~which shall serve with a term of~~ six (6) months ~~term,~~ members of boards and commissions shall be appointed to ~~terms of~~ two (2) years ~~terms, unless otherwise specified by ordinance or bylaws, and may be removed at any time by Council.~~ Terms ~~of office will shall~~ be staggered, ~~and. All~~ terms expire on May 31 of the applicable year. Members may be removed at any time by City Council. ~~If in the event that~~ an appointment is not made prior to the member's term expiration, ~~of a member's term,~~ the incumbent board member shall continue to serve until their successor is appointed and confirmed by Council.

Term Limits:

~~A board member may not serve more than the maximum number of terms and term limits are set allowed under the relevant board's bylaws, resolution, or ordinances. After a minimum absence of one (1) year absence from a board, the Council may choose to reappoint the a former member back to the same board, on which they previously served. For members whose current terms began prior to June 2020, this term limitation provision enforcement will begin shall take effect upon after the completion of their current term terms that commenced prior to June 2020.~~

~~The~~ Council retains the right to remove or replace any appointed member at any time and for any reason. Appointments are for a defined ~~Board members are appointed for a limited~~ purpose and time, and once ~~the assigned a member's term of office is completed ends~~ and Council has appointed their a successor is appointed, ~~they are excused member shall be~~

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~~considered excused from further service unless reappointed on the board unless the Council selects them for another term of service in accordance with this policy.~~

VACANCIES

Occasionally, a board member may be unable to finish ~~his or her their~~ term or ~~will may~~ be removed by ~~the City Council prior to his or her term ending before their term ends~~. In such cases, ~~Council may appoint a replacement to fill the unexpired portion of the term, the vacant position may be filled by an appointee who will serve out the remainder of the other member's term.~~

~~In the event a vacancy occurs prior to the expiration of a full term, the Council may appoint a new member to complete the unexpired term of the vacant position. Any member of a board or commission may be eligible for re-appointment by the Council unless such appointment is prohibited by the term limitation provisions set forth in this Policy. Any individual who previously served on a board may be eligible for reappointment, unless otherwise restricted by this Policy's term limitation provisions.~~

Instead of soliciting applicants for the vacancy, the Mayor may ~~refer to the review~~ previously submitted applications ~~kept maintained~~ by the City Secretary's Office. ~~If there are no appropriate open applications for the vacant position(s), suitable candidates are available from existing applications, a new recruitment process may be initiated following the same procedures as the annual board appointment cycle. a new application solicitation campaign could take place in the same manner as the typical annual recruitment process.~~

NEW MEMBERS ORIENTATION & TRAINING

~~All board and commission members of all boards will will~~ receive an orientation ~~and training session~~, presented by the city attorney. ~~The training course will include orientation to review and discuss the will provide an overview of:~~

- ~~• General duties and responsibilities of the board or commission,~~
- ~~• introductionRole of the staff liaison, City Secretary, City Attorney, as applicable, and City Manager and each of their roles,~~
- ~~• Requirements of the Texas Open Meetings Act,~~

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- ~~Requirements of~~ the Texas Public Information Act;
- ~~Overview of basic~~ Robert's Rules of Order, ~~and~~
- ~~Applicable~~ ethics training;

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~~The orientation training course and training will be free of charge and must be completed to all attendees. To maintain eligibility, board members must complete this training once every calendar year to maintain eligibility for continued service. A board members who fail to does not comply with the training requirements may not be be deemed ineligible for re-appointment.~~

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OATH OF OFFICE AND STATEMENT OF APPOINTED OFFICER

~~When applicable, m~~Members of ~~e~~boards or ~~commission~~ who are ~~deemed considered by State statute to be a~~ public officers ~~under state law must complete the of the City, must complete and execute the written~~ Statement of Appointed Officer and take the Oath of Office upon appointment. The ~~members must signed the Oath and it must be~~ notarized ~~forms must be filed with the end kept in the~~ City Secretary's Office.

Authorized officials to administer the Statement and Oath include:

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- ~~The~~ Mayor
- ~~The~~ City Secretary
- ~~Any~~ Notary Public,

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~~These persons authorized to administer the statement and the oath are: the Mayor, the City Secretary, and any notary public. These b~~boards and ~~commission~~ subject to this requirement include:

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- ~~The~~ Planning Commission
- ~~and the~~ Sealy Economic Development Corporation Board of Directors.

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GENERAL DUTIES AND RESPONSIBILITIES OF BOARDS AND COMMISSIONS MEMBERS

Most boards and commissions ~~shall act serve~~ in an advisory capacity, ~~providing and make~~ recommendations to ~~the City~~ Council on ~~issues matters related specific to their specific area of responsibility, established by ordinance, resolution, or governing bylaws. each respective board's duties and responsibilities.~~

~~No member of a b~~board or ~~commission~~ members shall:

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- Focus on policy guidance and program recommendations
- ~~become involved~~ Avoid involvement in the daily operations of the City or in personnel/employment matters
- ~~nor be granted~~ Not receive or expect special privileges, ~~or~~ project status, ~~or~~ confidential information beyond the scope of their board duties ~~and information outside of their responsibilities as a board member.~~

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Meeting Agendas:

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~~Board a~~ Agendas for board and commission meetings are prepared by the City Secretary ~~or board liaison, based on input from the City Manager and Department Head, with the~~ exception is the Sealy Economic Development Corporation (SEDC), for which the agenda of the SEDC agenda, which is prepared by the SEDC Secretary, ~~and agendas are based on the request of the staff liaison responsible for relevant board, or of the City Manager. In accordance with applicable statutes and bylaws.~~

REQUESTS FOR FUTURE AGENDA ITEMS

The City's ~~o~~ organizational s ~~structure, in follows a~~ descending chain of order, is as follows, Citizens of Sealy, ~~→~~ City Council, ~~→~~ followed by the City Manager, ~~and~~ ~~→~~ City s ~~staff, organized by department. Boards and commissions follows in departmental specific structure. The board serves at Council's pleasure in an advisory capacity and serve at the pleasure of City Council.~~

~~Bylaws, ordinances or the City Manager designate the~~ Each board is assigned a staff liaison, designated by ordinance, bylaws, or the City Manager. ~~to each board. In order for the board to be provided the opportunity to r~~

Requesting future a ~~Agenda i~~ tems:

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Boards may be given the opportunity to suggest future agenda items only when authorized by:

- ~~either~~ City Council
- ~~the~~ City Manager,
- A Department Head, ~~or~~
- The assigned staff liaison

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Before an item is added to a future agenda (except when directed by City Council), the following conditions must be met:

- ~~_____ would be given the directive to include a request for future agenda items. With the exception of Council directive, before the City Manager, Department Head or staff liaison includes this agenda item, staff is required to confirm t~~ The availability of staff time for agenda item to research and prepare the item must be confirmed
- ~~ations and to ensure legal funds are available in their-~~ The departmental budget must have sufficient funds to cover any legal costs associated with the request ~~to support expenses involved in proofing revisions to existing ordinances, or creating new ordinances that would require legal expertise.~~
- The topic must fall within the board's advisory scope

BOARD AND COMMISSION MEMBERS ATTENDANCE AT MEETINGS

Appreciation of Service

~~The City Council is most appreciative of values the dedication and contribution by those who are willing to donate their time to community service. Service of community members who volunteer their time to serve City boards and commissions. Each Any decision reached made by any of these boards has an impacts on the entire community. Therefore, if a quorum is not present because of habitual absenteeism by certain members, and the integrity and functionality of the bodies board as a whole is affected. Depend on consistent participation.~~

Attendance Expectations

~~Therefore, it is imperative that members maintain regular attendance. To ensure effective governance and uphold public trust, regular attendance at all board and commission meetings is mandatory. Any Mmembers who cannot is unable to attend a meeting should contact must notify the City Secretary, Staff Liaison concerning his or her absence prior to the in advance of the scheduled meeting.~~

Attendance Violations and Consequences

The following attendance issues shall be considered neglect of duty and may result in removal from position:

- ~~Three (3) consecutive absences from a board's regular meetings, or~~
- ~~Absence from more than twenty-five percent (25%) of the meetings in any six (6) month period, shall be deemed as neglect and be cause for removal from office, unless such absences were due~~

Exemptions

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~~Absences may be excused if due to unusual circumstances beyond the member's control, such as sickness of the member or someone within the member's personal illness or illness of an immediate family member;~~

Monitoring and Enforcement

~~The City Secretary's Office shall track attendance and report any excessive absences to the Mayor. The Mayor will review each situation and determine if the board member should be recommended case to determine if a recommendation to the City Council for removal is deemed appropriate.~~

ROLE OF STAFF LIAISON

~~A City staff member shall be assigned as a liaison to each board or commission to ensure that the City Attorney provides an administrative support, technical guidance, and alignment with City Council's goals and directives.~~

The primary responsibilities of the staff liaisons

- ~~Coordinate annual orientation to members;~~
- ~~Prepare meeting materials~~
 - ~~Draft agenda for all meetings~~
 - ~~Prepare staff reports and supportive documents~~
 - ~~Keep the members updated and informed on relevant projects~~
 - ~~Offer technical data and background information relevant to agenda items~~
- ~~Facilitate Board Understanding~~
 - ~~Ensure that board members understand City Council's goals and vision for the community~~
 - ~~Provide and reference when applicable;~~
 - ~~City Ordinances~~
 - ~~Minimum Construction Standards~~
 - ~~Capital Improvement Plan~~
 - ~~Texas Local Government Code~~
 - ~~Bylaws~~
 - ~~Other relevant policies or regulations~~
- ~~Support Council Objectives specific to each board's role and function~~

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Communication and Representation

The staff liaison shall act as a conduit between City Council and the board or commission by attending all meetings conducted by the assigned board and presenting and discussing factual information related to matters being considered by the board.

- the proposed agendas for all meetings, prepare staff reports and provide supporting documents, perform support services and provide technical data. The staff liaison will ensure that the board understands Council's goals and vision for the community, and refers to the Ordinances, Minimum Construction Standards, Texas Local Government Codes and bylaws, and so forth as applicable, that govern the agenda item topics presented for board consideration, in compliance with Council's directive and objectives for each board.

~~The staff liaison will act as a communication conduit between Council and the board. The liaison shall attend all public hearings of boards on behalf of the City and present and discuss facts pertinent to matters being considered.~~

ROLE OF CITY SECRETARY

~~The City Secretary or designee will post notices of meetings, prepare minutes of the meetings, with the exception of the SEDC Board. The City Secretary or designee will participate in presentations of annual board orientation meetings with all new members, staff liaison, and City Attorney for briefings on procedures, legal responsibilities, duties of the board, and keep records of board members fulfilling annual training requirements of completion of Open Meetings Act and Public Information Act training. The City Secretary or designee maintains attendance records for board members and notifies the mayor of three consecutive absences and of absences of 25% or more in a six month period. The City Secretary or designee ensures that proper posting for public hearings and notices are met, that notice of vacancies are advertised according to policy, and maintains records of terms and term limits for boards and commissions, as well as maintains accurate board and commission contact lists. The City Secretary or designee ensures that new officers take oaths of office and ensures~~

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agenda items provide for nominations of officers per ordinances, and that meetings are conducted in compliance with Open Meetings Act and this policy.

The City Secretary serves as staff liaison to the Charter Review Commission and as ex officio member of the Capital Improvement Advisory Committee.

Meeting Administration

The City Secretary or designee is responsible for:

- Posting notices of meetings for all boards and commissions
- Ensuring meeting minutes are timely prepared and maintained
- Ensuring public hearing notices and legal posting are completed in accordance with applicable law and policy
- Maintaining attendance records
- Notify the Mayor of:
 - Three (3) consecutive excused absences
 - Absences of 25% or more of scheduled meetings within a six-month period
 - Ensuring:
 - Public notice of board vacancies is advertised in accordance with policy
 - Accurate records of board member terms and term limits are maintained

Board Orientation and Member Training

The City Secretary or designee will:

- Participate in and coordinate annual orientation presentations with staff liaisons
- Track and maintain records verifying completion of annual training requirements:
 - Texas Open Meetings Act
 - Texas Public Information Act

Compliance and Officer Administration

The City Secretary or designee will also:

- Ensure newly appointed officers take oaths of office
- Verify that agenda items include provisions for the nomination and election of officers in accordance with applicable ordinances
- Confirm that all meetings are conducted in compliance with the Texas Open Meetings Act and City policy

Additional Appointments

- Staff Liaison to the Charter Review Commission
- Ex-officio (non-voting) member of the Capital Improvements Advisory Committee (CIAC).

CONFLICTS OF INTEREST

Any board member shall comply with the requirements of Chapter 171 and Chapter 573 of the Texas Local Government Code with respect to conflicts of interest. It is the responsibility of each member of these boards to file a "Abstention and Conflict of Interest" affidavit (Exhibit

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G) with the City Secretary's Office when a conflict exists because he or she has a substantial interest in a matter being considered by the board. Substantial interest means the individual:

1. Owns 10% or more of the voting stock or shares of the business;
2. Owns either 10% or more than \$15,000 of the fair market value of the business;
3. Receives funds from the business that exceeds 10% of the person's gross annual income for the preceding year;
4. Ownership in real property with a fair market value of \$2,500 or more, or
5. Relative within the first degree of consanguinity or affinity has a substantial interest.

Advisory board members shall abstain from participation in a matter when a personal interest creates or gives the appearance of being a conflict of interest. However, the majority of members of the same advisory board have similar conflicts of interest in the same matter under consideration by the board, such members are not required to abstain from participating or voting on the matter.

MEMBERSHIP ON MULTIPLE BOARDS

If a member is serving on more than one board, the member, before discussing and/or voting on a decision that involves funding which impacts matters specific to another board's duties and responsibilities on which said member serves, shall verbally disclose his/her membership on any other board impacted by the funding decision to the other board members in attendance at the meeting. Said member may fully participate in the discussion and vote on the decision involving funding after disclosing his/her membership on any other board impacted by the funding decision.

CONDUCT OF MEETINGS

- A. The Chair of each board shall preside at the meetings and in his or her absence the Vice-Chair shall preside. The Chair shall call the meeting to order.
- B. The Chair shall address the posted items on the agenda in the order posted; however, items may be addressed out of order as long as a motion is made, seconded, and receives approval by majority vote.

C. A motion may be made by any member other than the presiding officer. A second to the motion is required before a vote can be taken. Any motion dies for a lack of a second.

D. Agenda items discussed and considered by the board may be disapproved only for legal reasons. The valid legal reason must be cited in the motion.

E. Roberts Rule of Order shall be used as a guideline to conduct meetings.

F. All meetings will be held in compliance with the Open Meetings Act ("The Act") and shall be open to the public, except for those items considered in a meeting which are authorized by the Act to be discussed in executive session.

G. Request for future agenda items, if included, must be relevant to further examination of an existing agenda item

BOARDS AND COMMISSION MEETING TIMES

<u>Board/Commission</u>	<u>Meeting Day</u>	<u>Meeting Time</u>	<u>Members/Appointments</u>
<u>Parks Board</u>	<u>Third Wednesday, every 3 months</u>	<u>3:00 pm</u>	<u>5 members: May: 1-3 even / 4-5 odd</u>
<u>Sealy Economic Development Corporation</u>	<u>Fourth Tuesday each month</u>	<u>6:00 pm</u>	<u>7 members: May: 1 or 2 City Council; 1-4 even years/5-7 odd years</u>
<u>Planning Commission</u>	<u>Second Wednesday each month</u>	<u>6:00 pm</u>	<u>7 members: May: 1-4 odd/5-7 even years</u>
<u>Capital Improvements Advisory Committee</u>	<u>Typically, twice per year, November, June & December</u>	<u>6:00 pm, after Planning Commission</u>	<u>Planning Commission members, a minimum of 5 members: 1 real estate, 1 development, 1 building industry & City Secretary ex-officio</u>
<u>Charter Review Commission</u>	<u>Monthly and typically, June – November, every 5 years</u>	<u>5:00 pm</u>	<u>5 members: May every 5 years</u>
<u>Tax Increment Reinvestment Zone #2</u>	<u>Typically, once per year, on an as needed basis</u>	<u>6:00 pm</u>	<u>7 members: May 1-5 City; 6 & 7 for taxing units levying taxes in the zone; staggered years 2-4-6 even years/1-3-5-7 odd years</u>

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APPOINTED STAFF LIAISON TO BOARDS AND COMMISSION

<u>Parks Board</u>	<u>Public Works Parks/Streets/Facilities Admin Director</u>
<u>Economic Development Corporation</u>	<u>Executive Director of SEDC</u>
<u>Planning Commission/ CIAC</u>	<u>City Planner Assistant City Manager</u>
<u>Charter Review Commission</u>	<u>City Secretary</u>
<u>TIRZ #2</u>	<u>Finance Director</u>

BOARDS AND COMMISSIONS ORDINANCE(S) AND BYLAWS EXHIBITS OVERVIEW

- **Positions 4 and 5:** Terms end in odd-numbered years

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~~The **Public Works Director** will serve as staff liaison to the board. The Board serves in an advisory capacity for the purposes of soliciting funds and bequests for park acquisitions, additions and improvements, promote and stimulate public interest in parks and recreational programs, assists in the planning and operation of the parks and recreations system, reviews and monitors existing operations, and considers ways to better utilize existing facilities, make recommendations to attract, retain and facilitate sports events, tournaments, and organizations in Sealy, advise City Council on matters related to current and future sports events in the City, and advise and assist City Council on creating effective citywide policies for litter prevention, and beautification programs in the City.~~

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~~The Board consists of five (5) members, and the City Manager serves an ex-officio member. The members shall be knowledgeable about the City's parks, annual events, community boards and foundations, and local leagues that support parks and recreation preservation, community stakeholders, landscape and horticulture knowledge and experience and maintenance and preservation of facilities. Terms of member positions one, two and three shall end in even numbered years, and terms of positions four and five shall end in odd numbered years.~~

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Sealy Economic Development Corporation Board of Directors (EXHIBIT "B")

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No Ordinance. Bylaws amended approved by EDC 4/23/24 & amended by City Council on 5/9/2406.03.21 by EDC and 05.12.21 by CC; Term: 2 years; no term limit

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~~The **Executive Director of the Sealy Economic Development Corporation** will serve as staff liaison to the Board, and who is responsible for the administration of the affairs of the Corporation. The Board promotes economic and community development within the City and on behalf of the City by developing, implementing, providing, and financing projects as defined in Section 48 of the Development Corporation Act of 1979, now Chapters 501 through 505 of the Texas Local Government Code. The property and affairs of the Corporation shall be managed and controlled by the Board. The Board may assist in ensuring the strategic plan, recruitment goals, business retention plan, and development of community amenities and infrastructure improvement and expansion projects meet the long term vision of the City of~~

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Sealy, and align with the City's Comprehensive Plan and Capital Improvement Plan, while carrying out the powers and duties as dictated by the SEDC Bylaws.

The Board consists of seven (7) members. The Board has all the powers, both expressed and implied, granted to corporations governed by Texas Local Government Code, Chapter 501, et seq. and by the Texas Non-Profit Corporation Act. The Corporation is operated according to state law and its own Articles of Incorporation and Bylaws. The officers of the Corporation shall be president, vice president, a secretary, and a treasurer. The officers shall be elected annually by the Board of Directors at the regular annual meeting.

The Board members shall be knowledgeable in economic development, finance, community development and tourism, with knowledge of the City of Sealy's Comprehensive Plan, the City of Sealy's Capital Improvement Plan, the City of Sealy's Major Thoroughfare Plan, and the City of Sealy's infrastructure.

The SEDC Board meets for a regular meeting, once a month, on the fourth Tuesday. Regular meetings of the Board shall be held at such dates, and times and places as designated by the Board. The meeting shall be held within the City of Sealy, Texas, at the principal offices of the Corporation, or at such other location as the Board of Directors may designate.

Special meetings may be called at the request of the president or by any two (2) directors, as per SEDC Bylaws.

Sealy Economic Development Corporation (SEDC) Board Overview:

SEDC Staff Liaison

The **Executive Director of the Sealy Economic Development Corporation (SEDC)** will serve as the staff liaison to the Board and is responsible for the administration of the affairs of the Corporation.

SEDC Board Responsibilities

The Board serves in an advisory and managerial capacity to:

- Promote economic and community development within and on behalf of the City of Sealy
- Develop, implement, provide, and finance projects as defined in Section 4B of the Development Corporation Act of 1979, now codified in Chapters 501–505 of the Texas Local Government Code.
- Manage and control the property and affairs of the Corporation
- Assist in ensuring that:

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- o The President, or
- o Any two (2) Directors, in accordance with SEDC Bylaws

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Planning Commission (EXHIBIT "C")

Ordinance No. 2014-21, Ordinance 1993-12; Term: 2 years; no term limits

The City Planner will serve as staff liaison to the Commission. As provided by the laws of the State of Texas and ordinances of the City of Sealy, the Planning Commission makes recommendations to Council to guide and direct future growth and development of the City of Sealy, with respect to the adoption of a municipal comprehensive plan. The Commission may engage in planning studies and the development of plans for improvements for the purpose of making recommendations to City Council, and is responsible for duties granted by the Texas Local Government Code and by specific provisions of the Sealy City Code, and to make recommendations to City Council relative to public streets, drainage, and/or flood control, utility, parks and other public improvements. The Commission serves to make recommendations to Council to approve or disapprove land subdivision plats or re-plats; to vacate plats or re-plats; to approve or disapprove variance requests; may hold public hearings if required by State law; and makes recommendations to the Council relative to creation, amendment and implementation of plans, programs, policies related to future growth and development of the City as it affects the public safety, health and well-being of the City; and performs other duties and responsibilities as may be referred to the Commission by the Council.

The Commission shall consist of seven (7) members. The Commission shall elect a chairman and vice chairman from its membership. The members shall be knowledgeable in real estate, development, general construction. Electricians, plumbers and engineers licensed in the State of Texas should be considered as candidates; a knowledge of the Ordinances of the City of Sealy, the City of Sealy's Comprehensive Plan; and overall understanding of the City's long-range vision for the planning and development of the City, and the impacts to the infrastructure, safety, health and well-being of the community.

Planning Commission Overview

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Planning Commission Staff Liaison

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The **Assistant City Manager**, who serves as the **City's Planner**, will act as the **staff liaison** to the Planning Commission.

Planning Commission Responsibilities

The Planning Commission serves in an advisory capacity to the City Council, as provided by State law and the City of Sealy Code of Ordinances, to:

- Guide and direct future growth and development of the City through recommendations related to the municipal comprehensive plan
- Engage in planning studies and develop plans for public improvements, including:
 - Streets
 - Drainage and/or flood control
 - Utilities
 - Parks
 - Other public infrastructure
- Make recommendations to City Council to:
 - Approve or disapprove land subdivision plats or re-plats
 - Vacate plats or re-plats
 - Approve or disapprove variance requests
 - Create, amend, and implement long-range plans, programs, and policies that affect public safety, health, and well-being
- Hold public hearings when required by State law
- Perform other duties and responsibilities as referred by the City Council

Planning Commission Composition

- The Commission consists of seven (7) members
- The Commission shall elect a chairman and vice-chairman from among its members

Member Qualifications

Members should be knowledgeable in:

- Real estate
- Development
- General construction

The following licensed professionals in the State of Texas are encouraged as candidates:

- Electricians
- Plumbers
- Engineers

Additionally, members should have:

- Knowledge of the City of Sealy Ordinances
- Familiarity with the City's Comprehensive Plan
- An overall understanding of the City's long-range planning vision and the impact on infrastructure, safety, and community well-being

Capital Improvements Advisory Committee (EXHIBIT "D")

Resolution 2018-29. The City's Planning Commission shall act as the Capital Improvement Advisory Committee as provided by Section 395.058 of the Local Government Code.

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Term: 2 years

The City Planner will serve as staff liaison to the Commission. Per Local Government Code 395.058, the advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of real estate, development or building industries who are not employees or officials of a political subdivision or governmental entity. If a political subdivision has a planning commission the commission may act as the advisory committee is the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. The City Secretary serves as ex officio member.

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The Capital Improvements Advisory Committee serves in an advisory capacity to the City Council regarding long term growth issues. The CIAC advises and assists the Council in adopting land use assumptions, reviews the Capital Improvements Plan, monitors its implementation and files written comments, files semiannual reports with respect to progress of the capital improvement plan, advises Council of the need to update or revise the land use assumptions, capital improvement plan and impact fees. Council shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvement plan, and Council shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

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Capital Improvements Advisory Committee (CIAC) Overview;

CIAC Staff Liaison

The Assistant City Manager, who also serves as the City's Planner, will serve as the staff liaison to the CIAC.

The City Secretary serves as an ex-officio (non-voting) member of the committee.

CIAC Membership Requirements

As governed by Texas Local Government Code §395.058:

- The Committee must consist of no fewer than five (5) members
- Members are appointed by a majority vote of the City Council
- At least 40% of members must be representatives of the real estate, development, or building industries who are not employees or officials of any political subdivision or governmental entity
- If the Planning Commission includes at least one qualifying industry representative (not affiliated with a governmental entity), the Commission may serve as the CIAC

CIAC Responsibilities

The Capital Improvements Advisory Committee serves in an advisory capacity to the City Council, focusing on long-term growth and infrastructure planning. The Committee shall:

- Advise and assist the Council in adopting land use assumptions,
- Review the Capital Improvements Plan (CIP),
- Monitor the implementation of the CIP and file written comments,
- Submit semiannual reports to the Council regarding the progress of the plan
- Advise the Council on the need to update or revise:
 - o Land use assumptions
 - o Capital Improvements Plan
 - o Impact fees

Council Responsibilities to the CIAC

- Provide the Committee access to professional reports related to the development and implementation of the CIP
- Adopt procedural rules for the Committee to follow in performing its duties

Charter Review Commission (EXHIBIT "E")

Code of Ordinances, Article IX, Section 9.13

Term: 6 months, may be extended (per Proposition 5 Amendment)

The City Secretary will serve as staff liaison to the Commission. The Charter Review Commission will be appointed every five years. The Charter was amended May 22, 2006, May 10, 2014, May 6, 2017 and May 7, 2022. The next year of committee appointment would be 2026 to prepare for proposed amendments at the May 2027 election by vote of the citizens, then every five years. The commission will consist of five citizens of Sealy.

The Charter Review Commission serves to review the operation of the City government under the charter provisions and determine whether any provisions require revision, and to make recommendations to City Council of proposed amendments.

Charter Review Commission Overview;

Charter Review Staff Liaison

The City Secretary will serve as the staff liaison to the Charter Review Commission.

Charter Review Commission Purpose

The Charter Review Commission serves in an advisory capacity to the City Council for the purpose of:

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The TIRZ Board #2 serves in an advisory and administrative capacity to the City Council. The Board is responsible for:

- Making recommendations to the City Council concerning the administration of the Tax Increment Reinvestment Zone (TIRZ).
- Preparing (or causing to be prepared) and adopting a:
 - Project Plan
 - Reinvestment Zone Financing Plan
- Submitting the plans to the City Council for approval

TIRZ Board #2 Composition

- The Board consists of **seven (7) members**

Position Allocation

- **Positions 1–5:** Reserved for **City of Sealy** representatives
- **Positions 6–7:** Reserved for **citizens of the taxing units** levying taxes within the TIRZ

ATTENDANCE AT MEETINGS

The Council is most appreciative of the dedication and contribution by those who are willing to donate their time to community service. Any decision reached by any of these boards has an impact on the entire community. Therefore, if a quorum is not present because of habitual absenteeism by certain members, the integrity of the board as a whole is affected.

Therefore, it is imperative that members maintain regular attendance. Members who cannot attend a meeting should contact the City Secretary concerning his or her absence prior to the meeting.

Three (3) consecutive absences from a board's regular meetings, or absence from more than twenty five percent (25%) of the meetings in any six (6) month period, shall be deemed as neglect and be cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family. The City Secretary's Office shall track and report any excessive absences to the Mayor. The Mayor will review each situation and determine if the board member should be recommended to the City Council for removal.

ROLE OF STAFF LIAISON

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~~A staff member shall be assigned as a liaison to each board to ensure that the City Attorney provides an annual orientation to members, prepare the proposed agendas for all meetings, prepare staff reports and provide supporting documents, perform support services and provide technical data. The staff liaison will ensure that the board understands Council's goals and vision for the community, and refers to the Ordinances, Minimum Construction Standards, Texas Local Government Codes and bylaws, and so forth as applicable, that govern the agenda item topics presented for board consideration, in compliance with Council's directive and objectives for each board.~~

~~The staff liaison will act as a communication conduit between Council and the board. The liaison shall attend all public hearings of boards on behalf of the City and present and discuss facts pertinent to matters being considered.~~

ROLE OF CITY SECRETARY

~~The City Secretary or designee will post notices of meetings, prepare minutes of the meetings, with the exception of the SEDC Board. The City Secretary or designee will participate in presentations of annual board orientation meetings with all new members, staff liaison, and City Attorney for briefings on procedures, legal responsibilities, duties of the board, and keep records of board members fulfilling annual training requirements of completion of Open Meetings Act and Public Information Act training. The City Secretary or designee maintains attendance records for board members and notifies the mayor of three consecutive absences and of absences of 25% or more in a six-month period. The City Secretary or designee ensures that proper posting for public hearings and notices are met, that notice of vacancies are advertised according to policy, and maintains records of terms and term limits for boards and commissions, as well as maintains accurate board and commission contact lists. The City Secretary or designee ensures that new officers take oaths of office and ensures agenda items provide for nominations of officers per ordinances, and that meetings are conducted in compliance with Open Meetings Act and this policy.~~

~~The City Secretary serves as staff liaison to the Charter Review Commission and as ex officio member of the Capital Improvement Advisory Committee.~~

CONFLICTS OF INTEREST

~~Any board member shall comply with the requirements of Chapter 171 and Chapter 573 of the Texas Local Government Code with respect to conflicts of interest. It is the responsibility of each member of these boards to file a "Abstention and Conflict of Interest" affidavit (Exhibit C) with the City Secretary's Office when a conflict exists because he or she has a substantial interest in a matter being considered by the board. Substantial interest means the individual:~~

- ~~1. Owns 10% or more of the voting stock or shares of the business;~~
- ~~2.1. Owns either 10% or more than \$15,000 of the fair market value of the business;~~
- ~~3.1. Receives funds from the business that exceeds 10% of the person's gross annual income for the preceding year;~~
- ~~4.1. Ownership in real property with a fair market value of \$2,500 or more, or~~
- ~~5.1. Relative within the first degree of consanguinity or affinity has a substantial interest.~~

~~Advisory board members shall abstain from participation in a matter when a personal interest creates or gives the appearance of being a conflict of interest. However, the majority of members of the same advisory board have similar conflicts of interest in the same matter under consideration by the board, such members are not required to abstain from participating or voting on the matter.~~

MEMBERSHIP ON MULTIPLE BOARDS

~~If a member is serving on more than one board, the member, before discussing and/or voting on a decision that involves funding which impacts matters specific to another board's duties and responsibilities on which said member serves, shall verbally disclose his/her membership on any other board impacted by the funding decision to the other board members in attendance at the meeting. Said member may fully participate in the discussion and vote on the decision involving funding after disclosing his/her membership on any other board impacted by the funding decision.~~

CONDUCT OF MEETINGS

~~A. The Chair of each board shall preside at the meetings and in his or her absence the Vice Chair shall preside. The Chair shall call the meeting to order.~~

~~B.A. The Chair shall address the posted items on the agenda in the order posted; however, items may be addressed out of order as long as a motion is made, seconded, and receives approval by majority vote.~~

~~C.A. A motion may be made by any member other than the presiding officer. A second to the motion is required before a vote can be taken. Any motion dies for a lack of a second.~~

~~D.A. Agenda items discussed and considered by the board may be disapproved only for legal reasons. The valid legal reason must be cited in the motion.~~

~~E.A. Roberts Rule of Order shall be used as a guideline to conduct meetings.~~

~~F.A. All meetings will be held in compliance with the Open Meetings Act ("The Act") and shall be open to the public, except for those items considered in a meeting which are authorized by the Act to be discussed in executive session.~~

~~G.A. Request for future agenda items, if included, must be relevant to further examination of an existing agenda item.~~

MEETING TIMES

Board/Commission	Meeting Day	Meeting Time	Members/Appointments
Parks Board	Third Wednesday, every 3 months	6:00 pm	5 members; May; 1-3 even / 4-5 odd
Sealy Economic Development Corporation	Fourth Tuesday each month	6:00 pm	7 members; May; 1 or 2 City Council; 1-4 even years/5-7 odd years
Planning Commission	Second Wednesday each month	6:00 pm	7 members; May; 1-4 odd/5-7 even years
Capital Improvements Advisory Committee	Typically, twice per year, November & December	6:00 pm	Planning Commission members, a minimum of 5 members; 1 real estate, 1 development, 1 building industry & City Secretary ex-officio
Charter Review Commission	Monthly and typically, June=November, every 5 years	5:00 pm	5 members; May every 5 years
Tax Increment Reinvestment Zone #2	Typically, once per year, on an as needed basis	6:00 pm	7 members; May 1-5 City; 6 & 7 for taxing units levying taxes in the zone; staggered years 2-4-6 even years/1-3-5-7 odd years

APPOINTED STAFF LIAISON TO BOARDS AND COMMISSION

Parks Board	Public Works Director
-------------	-----------------------

Economic Development Corporation	Executive Director of SEDC
Planning Commission/ CIAG	City Planner
Charter Review Commission	City Secretary
TIRZ #2	Finance Director



**CITY OF SEALY
BOARDS AND COMMISSIONS POLICY**

SIGNATURE PAGE

I HAVE A RESPONSIBILITY TO PROTECT THE INTEGRITY OF OUR GOVERNING PROCESS AND THEREFORE HAVE READ AND AGREED TO THE ABOVE GUIDELINES.

BY AFFIXING MY SIGNATURE, I ACKNOWLEDGE THAT I WILL ABIDE BY THE CITY OF SEALY CITY BOARDS AND COMMISSIONS POLICY AND PROCEDURE.

Printed Name

Signature

Date

Participated in Orientation on date of: _____

Completed Open Meetings Act training on date of: _____

Completed Public Information Act training on date of: _____



BOARDS AND COMMISSIONS POLICY

RESPONSIBILITIES OF BOARDS AND COMMISSION MEMBERS

To be selected as a City board or commission member is a high honor and provides an unusual opportunity for genuine public service. Although specific duties of each vary with the purpose for which they are formed, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

1. Understand the role and scope of responsibility, serving at the pleasure of City Council, in an advisory capacity to make recommendations on issues specific to the board's duties and responsibilities. Be informed of the individual board or commission's scope of responsibility and operating procedures.
2. Members are required to complete training on the Public Information Act and Open Meetings Act and submit a certificate of completion, preferably prior to performing any official duties as a Board and Commission Member, but not greater than within 60 days of appointment to board.
3. Be careful to represent the majority views of your individual board or commission. Individual "opinions" to the public and press are discouraged and, if given, should be identified as such.
4. Members should represent the public interest and not special interest groups.
5. Members are in a unique position of serving as a liaison between the City and the citizens and can help to reconcile contradictory viewpoints and to build a consensus around common goals and objectives.
6. Do your homework and be thorough in recommendations. View situations under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on careful preparation will strengthen the value of the group's recommendation.
7. Supportive relationships with the City Council and City staff are basic for successful operation of any board or commission. In contacting City personnel on items of consideration, the proper channel is through the designated City staff liaison providing staff support for your group. Board

members may not become involved in the daily operation of the City or in personnel or employment matters, nor be granted special privileges or project status and information outside of their responsibilities as board members.

8. Establish a good working relationship with fellow group members. Respect individual viewpoints, allow other members time to present their views fully before making comments, be open and honest, welcome new members and strive to minimize political action on issues.
9. Council appointments to boards and commissions are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members should not use or involve their membership in the conduct of political activities.



**APPLICATION TO SERVE ON A CITY OF SEALY
BOARD OR COMMISSION**

(Use this form when the applicant is not currently serving)

APPLICATION FOR APPOINTMENT TO CITY OF SEALY BOARDS AND COMMISSIONS

The City Council will use this application for their selection of individuals for appointments to specific Boards and Commissions that were established to assist and advise the City Council on specific issues.

- All information provided in this application is public information pursuant to the Texas Public Information Act
- All individuals appointed to serve on a Board or Commission will be required to complete training relative to the Texas Open Meetings Act and Texas Public Information Act

Name: _____

Phone Numbers: (Home)_____ (Mobile)_____

Residential Address:_____

Email:_____

Business Address:_____

Business Telephone:_____

Do you live inside the city limits of Sealy? _____Yes _____No

If so, how many years? _____

Are you registered to vote in the City of Sealy? _____Yes _____No

If no,

Do you live in the extra territorial jurisdiction of the City of Sealy? _____Yes _____No

Do you live in Austin County? _____Yes _____No

Are any immediate family members employed by the City of Sealy? ____Yes ____No

If yes, please specify: _____

Do any immediate family members serve on Boards or Commissions in the City of Sealy?

_____ Yes _____ No; If yes, please specify: _____

Indicate the following Boards and Commissions you are interested in serving on:

(Please indicate Yes or No and rank preference by number with 1 being the group in which you are most interested)

Name of Board/Commission	Yes	No	Rank
Economic Development Corporation			
Parks Board			
Planning Commission & Capital Improvement Advisory Committee			
Charter Review Commission (every 5 years, next appointment in 2027)			
Tax Increment Reinvestment Zone (TIRZ) #2			

Occupation/Areas of Expertise: _____

Work experience applicable to the City Board or Commission for which you are applying:

Have you attended a City Council meeting? _____ Yes _____ No

Have you attended a Board or Commission meeting for which you have applied?

_____ Yes _____ No

Do you have knowledge/training regarding the applied Board or Commission?

_____ Yes _____ No

List any specific knowledge/training/experience that qualifies you to serve in the position(s) indicated:

Do you have knowledge/expertise in any of the following areas?
Please check all that apply:

AREA OF KNOWLEDGE/EXPERTISE	YES	NO	Staff Use Only:
Real Estate/ Development			P,S
Manufacturing/ Industrial Operations			P,S
Business Development			P,S
Law/ Contractual Administration			S, T, CR
Building/ Construction			P, S
Banking/ Finance			S
Promotion/ Marketing			S, Parks
Business Management			S, MS
Strategic Planning/ Project Management			P, S
Event Planning/ Tourism/ Sporting Events			Parks
Landscape/ Horticulture			Parks
Historic Preservation			Parks

Do you currently serve on other Board or Commission at this time? ____ Yes ____ No
If so, which Board or Commission? _____

Do you have any business or personal relationship with the City of Sealy that would affect your ability to have impartial judgement in City matters? ____ Yes ____ No
If yes, please explain:

What do you hope to contribute to the community by serving on the Board or Commission to which you applied?

List any civic, community, or volunteer activities with which you have been involved that you feel should be considered:

I understand that if any member of the public makes a request for information included in the application for appointment, it must be disclosed under the Public Information Act. I also understand that it may not be legally possible to maintain the confidentiality of such information, and I hereby release the City of Sealy, and its agents, employees and officers from any and all liability whatsoever if the information must be released pursuant to the Public Information Act.

I swear that all of the statement in my application are true and correct. I hereby affirm that I am aware of the requirement of the position and certify that I meet those requirements.

Applicant Signature

Date

All applications must be signed and submitted to the City Secretary. If there are no vacancies at the time of submittal, all applications are kept two (2) years from receipt of the application and will be destroyed as mandated. Please call (979) 885-3511 or email svrablec@ci.sealy.tx.us any questions to the City Secretary's office.

Submit applications by mail to:

City of Sealy
P. O. Box 517
Sealy, Texas 77474

Or email application to:

svrablec@ci.sealy.tx.us



**APPLICATION FOR REAPPOINTMENT
TO SERVE ON A CITY OF SEALY
BOARD OR COMMISSION**

(Use this form when the applicant is currently serving)

REQUEST FOR REAPPOINTMENT TO CITY OF SEALY BOARDS AND COMMISSIONS

The City Council will use this application for their selection of individuals for appointments to specific Boards and Commissions that were established to assist and advise the City Council on specific issues.

- All information provided in this application is public information pursuant to the Texas Public Information Act
- All individuals appointed to serve on a Board or Commission will be required to complete training relative to the Texas Open Meetings Act and Texas Public Information Act

Name: _____

Phone Numbers: (Home)_____ (Mobile)_____

Residential Address:_____

Email:_____

Business Address:_____

Business Telephone:_____

Do you live inside the city limits of Sealy? _____Yes _____No

If so, how many years? _____

Are you registered to vote in the City of Sealy? _____Yes _____No

If no,

Do you live in the extra territorial jurisdiction of the City of Sealy? _____ Yes _____No

Do you live in Austin County? _____ Yes _____No

Are any immediate family members employed by the City of Sealy? _____Yes _____No

If yes, please specify:_____

Do any immediate family members serve on Boards or Commissions in the City of Sealy?

_____ Yes _____ No; If yes, please specify: _____

Indicate the following Boards and Commissions you are currently serving on, and those you are interested in serving on in addition to your current Board or Commission:

(Please indicate Yes or No and rank preference by number with 1 being the group in which you are most interested)

Name of Board/Commission	Currently	Additionally	Rank of Interest/Request
Economic Development Corporation			
Parks Board			
Planning Commission & Capital Improvement Advisory Committee			
Charter Review Commission (every 5 years, next appointment in 2027)			
Tax Increment Reinvestment Zone (TIRZ) #2			

In the appropriate line, please indicate what year you began serving on the above indicated Boards or Commissions, and the number of terms:

Name of Board/Commission	Member Since (Year)	Number of Terms
Economic Development Corporation		
Parks Board		
Planning Commission & Capital Improvement Advisory Committee		
Charter Review Commission		
Tax Increment Reinvestment Zone (TIRZ) #2		

If you are applying to serve on an additional Board or Commission, please explain what you hope to contribute to the community by serving on the Board or Commission to which you applied?

I understand that if any member of the public makes a request for information included in the application for appointment, it must be disclosed under the Public Information Act. I also understand that it may not be legally possible to maintain the confidentiality of such information, and I hereby release the City of Sealy, and its agents, employees and officers from any and all liability whatsoever if the information must be released pursuant to the Public Information Act.

I swear that all of the statement in my application are true and correct. I hereby affirm that I am aware of the requirement of the position and certify that I meet those requirements.

Applicant Signature

Date

All applications must be signed and submitted to the City Secretary. If there are no vacancies at the time of submittal, all applications are kept two (2) years from receipt of the application and will be destroyed as mandated. Please call (979) 885-3511 or email svrablec@ci.sealy.tx.us any questions to the City Secretary's office.

Submit applications by mail to:

City of Sealy

P. O. Box 517

Sealy, Texas 77474

Or email application to:

svrablec@ci.sealy.tx.us

CITY OF SEALY BOARDS AND COMMISSIONS POLICY

ABSTENTION AND CONFLICT OF INTEREST POLICY

Board and commission members who are present at any board or commission meeting shall vote, and have their votes recorded in the minutes, upon every item requiring action. In the event the vote involves the member's conduct or a conflict of interest, the member shall abstain from voting and the reasons for such abstention shall be noted in the minutes of such meeting

Should any member of a board or commission choose to abstain from voting on any question before the board or commission, and no declared conflict of interest exists, such abstention shall be recorded in the official minutes of the meeting and shall count as a vote against the motion pending before the board or commission.

If a member of the board or commission, or a person related to such board or commission member in the first degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code, has a substantial interest in a business entity or in real property, the board or commission member shall file, before a vote or decision on any matter involving such business entity or real property, an affidavit stating the nature and extent of such interest and shall abstain from further participation in the matter if:

1. in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the City Secretary.

If a board or commission member is required to file and does file an affidavit hereunder, said board or commission member shall not be required to abstain from further participation in the matter requiring the affidavit if a majority of the board or commission is composed of members who are likewise required to file and who do file affidavits of similar interests on the same official action.

A sample affidavit is attached per Exhibit "H".



BOARDS AND COMMISSIONS POLICY

ORIENTATION CHECKLIST FOR STAFF LIAISON

- Appointment to board approved by Council on (Date)_____
- Assemble board members, City Secretary, City Manager, City Attorney and Department Head to attend annual orientation
- Orientation Agenda/Packet should include:
 - A. Policy page 17 – Responsibilities of Boards and Commission Members
 - B. Review of Orientation & Application Policy for Boards and Commissions, specific to board or commission:
 - Term of Office, as established by Ordinance, Bylaws, or Texas Local Government Code. If a new member is filling a vacancy, identify the remainder of unexpired term
 - Furnish members with contact information for all board members
 - Furnish members with Ordinance, Bylaws or Texas Local Government Code that establishes their powers and duties
 - Each staff member, who will participate in board or commission process or meetings, in any capacity, should be introduced to the board and allowed to make a presentation as desired
 - City Secretary should inform members of their annual responsibility to complete training in Texas Open Meetings Act, Texas Public Information Act, and provide an overview of Robert's Rules of Order. Board and commission members may be requested to complete certain ethical training. The City Secretary should provide the members with options and access to complete the training
 - General Duties and Responsibilities specific to board or commission
 - Provide an overview of board's primary purpose, types of agenda items and topics of discussion, how their areas of expertise can be applied to result in final recommendations to City Council
 - Attendance requirements (page 11) and advance notice of absences to be reported to the City Secretary
 - Review Conflicts of Interest (page 13) and requirement to complete Abstention and Conflict of Interest affidavit as applicable, including recusing self from discussions when necessary
 - Review Conduct of Meetings and Meeting Times
 - Discussion about future agenda item requests

EXHIBIT “A”

PARKS BOARD

Ordinance 2023-21
(Pending codification)

ORDINANCE NO. 2023-21

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, AMENDING SUBSECTION 70-32(A) OF SECTION 70-32 OF ARTICLE II OF CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS; PROVIDING RULES AND REGULATIONS FOR THE PARKS BOARD; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council finds that the terms of the Parks Board needs to be changed to ensure a quorum can be established to conduct city business;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

SECTION 1. The facts and recitations contained in this preamble to this Ordinance are true and correct and incorporated herein for all purposes.

SECTION 2. Subsection 70-32(a) of Section 70-32 of Article II of Chapter 70 is amended to read as follows:

CHAPTER 70 – PARKS AND RECREATION

* * * * *

ARTICLE II. – PARKS BOARD

* * * * *

Sec. 70-32. - Terms of members; filling of vacancies; removal.

(a) The terms of the members of the parks board shall be for two years and shall be as follows:

- (1) The terms of positions one, two and three shall end in even-numbered years.
- (2) The terms of positions four and five shall end in odd-numbered years."

SECTION 3. *Repeal.* All ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 4. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the

same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional, and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 5. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon second reading and enforceable when published as required by law.

PASSED AND APPROVED at this first reading on the 20th day of June 2023.

PASSED AND APPROVED at this second reading on the 5th day of July 2023.


Carolyn Bilski, Mayor

ATTEST:


Sandra Vrabec, City Secretary



ARTICLE II. PARKS BOARD¹

Sec. 70-31. Created; membership.

There is created and established a parks board in and for the city. The parks board shall consist of five members, who shall be appointed by the mayor, subject to confirmation by the city council. Members of the parks board shall serve without compensation, and each shall be a resident of the city. The city manager shall be an ex officio member of the board.

(Ord. No. 95-18, § 1, 10-11-1995; Ord. No. 99-16, § 1, 11-10-99; Ord. No. 2007-02, § 1, 7-11-2007; Ord. No. 2018-06, § 1, 2-27-2018; Ord. No. 2020-08, § 2, 8-4-2020)

Sec. 70-32. Terms of members; filling of vacancies; removal.

- (a) The terms of the members of the parks board shall be for two years and shall be as follows:
 - (1) The terms of positions one, two and three shall end in odd-numbered years.
 - (2) The terms of positions four and five shall end in even-numbered years.
- (b) The terms of such members shall continue until their successors have been appointed and confirmed. In the event of death, resignation or removal, appointments shall be for the balance of the term of the position.
- (c) Three unexcused absences of any member from any regular meetings of the parks board shall, at the discretion of the mayor, render any such member liable for immediate removal from office.

(Ord. No. 95-18, § 2, 10-11-1995; Ord. No. 99-16, § 2, 11-10-99; Ord. No. 2007-02, § 2, 7-11-2007; Ord. No. 2018-06, § 2, 2-27-2018; Ord. No. 2020-08, § 2, 8-4-2020)

Sec. 70-33. Organization.

The parks board shall organize by electing from their membership a chairman, a vice-chairman and a secretary, each of whom shall hold office for one year or until his successor shall have been elected. A majority of the members of the parks board shall constitute a quorum for the transaction of its business. The parks board may adopt its own rules of procedure for the conduct of its business, subject to the approval of such rules by the city council. The parks board shall keep a record of its proceedings and shall file the record with the city secretary.

(Ord. No. 95-18, § 3, 10-11-1995)

Sec. 70-34. Purposes.

The parks board shall serve in an advisory capacity to the city council regarding policy matters pertaining to city parks, sporting events, recreation, litter prevention, waste reduction and beautification programs. The parks board shall have the following specific purposes:

- (1) Solicit funds, gifts and bequests for park acquisitions, additions and improvements.
- (2) Review and make advisory recommendations to the city council on proposed park acquisitions, additions and improvements.
- (3) Review and make advisory recommendations on parks and recreation matters submitted by the director of public works or the city council.
- (4) Promote and stimulate public interest in parks and recreational programs, and assist in solicitation of the cooperation of public and private agencies that may have a direct or indirect involvement in parks and recreation.
- (5) Review and make advisory recommendations to the city council on changes, modifications and amendments to parks and recreation policies of the city.
- (6) Attract, retain, and facilitate sports events, tournaments, and organizations in Sealy, thereby helping our city realize the economic, social and community-building benefits of sports.
- (7) Advise the city council on matters related to current and future sports events in the city.
- (8) Advise, support, and collaborate with organizations within the community to attract sports tournaments and sports tourism to the city.
- (9) Advise the city council on whether adequate and appropriate facilities exist for current and future sports events and tournaments.
- (10) Advise and assist the city council on creating effective citywide policies for litter prevention, beautification programs, and waste reduction in the city.

(Ord. No. 95-18, § 4, 10-11-1995; Ord. No. 2018-06, § 2, 2-27-2018)

Sec. 70-35. Limitation of powers.

The parks board shall have no right, power or authority to obligate or bind the city in any manner whatsoever.

(Ord. No. 95-18, § 5, 10-11-1995)

Secs. 70-36—70-65. Reserved.

EXHIBIT "B"

SEALY ECONOMIC DEVELOPMENT CORPORATION

(AMENDED) BYLAWS

May 9, 2024~~June 3, 2021~~

**AMENDED
BYLAWS OF
SEALY ECONOMIC DEVELOPMENT CORPORATION**

These Bylaws govern the affairs of the SEALY ECONOMIC DEVELOPMENT CORPORATION (the "Corporation"¹¹), a nonprofit development corporation created pursuant to the Development Corporation Act of 1979, now Chapters 501 through 505 of the Texas Local Government Code (the "Act" as amended, and other applicable laws.

ARTICLE 1

Purpose

1.01—The Corporation is incorporated as a nonprofit corporation for the purpose set forth in the Articles of Incorporation. The Corporation acts on behalf of the City of Sealy, Texas, in furtherance of the public purpose of the Act and may engage in any project authorized under Type B of the Act. The Corporation is a nonprofit corporation as defined by the Internal Revenue Code of 1986, as amended, and the applicable rulings of the Internal Revenue Service of the United States prescribed and promulgated thereunder. For the purposes of Chapter 101, Texas Civil Practices and Remedies Code, the Corporation is a governmental unit and its actions are governmental functions. The Corporation shall not be a political subdivision or a political corporation within the meaning of the Constitution and the laws of the State of Texas, including without limitation, Article 111, Section 52 of the Texas Constitution.

Powers

1.02—In fulfillment of its corporate purpose, the Corporation is a Type B corporation and shall be governed by the Act and specifically Chapter 505 of the Texas Local Government Code, and shall have all the powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof the hereof.

Principal Office

2.01

- (a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation. The office of the registered agent shall always be within the boundaries of the City of Sealy.

~~(b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act. The registered agent shall be a resident of the State of Texas. The Board of Directors may, from time to time, change the registered office and the registered agent as permitted by law.~~

ARTICLE III

Management of the Corporation

~~3.01 — The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by the Economic Development Corporation Act of 1979, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all the powers of the Corporation.~~

Number, Qualifications, and Tenure of Directors

~~3.02 — The Board of Directors shall consist of seven (7) members who are appointed by the governing body of the City of Sealy, for staggered two (2) year terms of office. Each director must reside within the City of Sealy, Texas. Not more than two (2) directors or less than one (1) shall be persons who are members of the city council of the City of Sealy. As provided by State law, TLGC §505.052(c), three directors of a Type B corporation must be persons who are not employees, officers or members of the authorizing municipality. The terms of four (4) directors shall begin on June 1, of each even numbered year and expire on May 31, of the next following even year. The terms of three (3) directors shall begin June 1, of each odd numbered year and expire on May 31, of the next following odd numbered year. All directors shall holdover until their successors are appointed unless a director is removed by City Council.~~

Vacancies

~~3.03 — A vacancy occurring upon the Board of Directors shall be filled for the unexpired term by appointment by the governing body of the City of Sealy. If a director is absent for three regular consecutive meetings, the director's office is considered vacant unless the director is sick or has first obtained a leave of absence at a regular meeting.~~

Annual Meeting

~~3.04 — The annual meeting of the Board of Directors shall be held during the month of June for the election of officers.~~

Regular Meetings

3.05 — Regular meetings of the Board shall be held at such dates, and times and places as designated by the Board. The meeting shall be held within the City of Sealy, Texas, at the principal offices of the Corporation or at such other location as the Board of Directors may designate.

Special Meetings

3.06 — Special meetings of the Board of Directors may be called at the request of the president or by any two (2) directors. The person(s) calling a special meeting shall fix the time and location of the meeting. The person(s) calling a special meeting shall notify the secretary of the Corporation of the information required to be included in the notice of the meeting.

Notice of Meetings

3.07 — The Board of Directors shall be considered a "governmental body" within the meaning of Texas Government Code, Sec. 551.001, and all meetings, notices of meetings, and deliberations shall be called, convened, held, conducted and given in accordance with the provisions of Texas Government Code, Chapter 551 (The Texas Open Meetings Act). In addition to the posting of a meeting notice in accordance with these Bylaws and the Texas Open Meetings Act, a copy of each such meeting notice shall be delivered to each Director not less than seventy-two (72) hours before the time of the meeting. The notice shall state the place, date and time of the meeting. A meeting notice shall be deemed delivered to any Director when deposited in the United States mail addressed to the Director at his or her address as it appears on the records of the Corporation, hand delivery to his or her address or by electronic mail (e-mail) at his or her email address provided by the City Secretary. Such additional notice may be waived in writing by a Director entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Quorum

3.08 — Four Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. No business shall be conducted, nor shall any action be taken by the Board of Directors in the absence of a quorum. The action of the majority of the Directors who are present and eligible to vote upon a matter shall be the act of the Board of Directors.

Powers and Duties of the Board of Directors

3.09

- a) ~~Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith and take actions they reasonably believe to be in the best interest of the Corporation and which are lawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. The corporation shall have all the powers granted by chapter 505 of the Texas Local Government code and the Development Corporation Act and is subject to the limitations of a corporation created under another provision of the Act.~~
- b) ~~The corporation may contract with another private corporation to:
 - (1) carry out an industrial development program or objective; or
 - (2) assist with the development or operation of any economic development program or objective consistent with the purposes and duties specified by the Act.~~
- c) ~~The corporation may spend no more than 10 percent of the corporate revenues for promotional purposes.~~
- d) ~~The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.~~
- e) ~~Not later than February 1 of each year, the board shall submit a report to the Comptroller including all information required by Texas Local Government Code §502.151.~~
- f) ~~Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law.~~
- g) ~~The corporation may exercise the power of eminent domain only:
 - (1) on approval of the action by the governing body of the authorizing municipality; and
 - (2) in accordance with and subject to the laws applicable to the authorizing municipality.~~

Removal of Directors

3.10 — ~~The Board of Directors and each member thereof serves at the pleasure of the City Council of the City of Sealy, Texas, which may remove any director at any time, either with or without cause.~~

Committees of Directors

3.11 — ~~The Board of Directors may appoint persons to serve on a standing or ad hoc committee. Committee members need not be Directors of the Corporation, unless required by these Bylaws or resolution. Such committees shall have the powers, duties and~~

responsibilities established by the Board. The committees shall keep regular minutes of their meetings and report the same to the Board of Directors when required. The action of such a committee shall not constitute action by the board.

ARTICLE IV

Officer Positions

4.01 The officers of the Corporation shall be president, vice president, a secretary, and a treasurer. The Board of Directors may create additional officer positions, define the authorities and duties of such additional positions and appoint persons to fill such positions.

Election and Terms of Officers

4.02 The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting.

Removal of Officers

4.03 Any officer may be removed by the Board of Directors at any time, with or without good cause. The removal of an officer does not also result in the removal of such person as a director of the Corporation.

Vacancies of President, Vice President, Secretary, and Treasurer

4.04 A vacancy in any office may be filled by the Board of Directors for the unexpired portion of the officer's term.

President

4.05 The president shall be the chief executive officer of the Corporation. The president shall supervise and control all of the business and affairs of the Corporation and must be elected from among the members of the board. The president shall preside at all meetings of the Board of Directors. The president shall execute all documents and agreements affecting the corporation, except where such power is expressly delegated to another officer of the Corporation or the Executive Director. The president shall perform

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other duties prescribed by the Board of Directors and all duties incident to the office of the president.

Vice-President

4.06 — When the president is absent, is unable to act, or refuses to act, the vice president shall perform the duties of the president. When acting in place of the president, the vice president shall have all the powers and duties as the president and be subject to all of the limitations and restrictions placed upon the president. The vice president must be elected from among the members of the board.

Secretary

4.07 — The Secretary shall:

- a) Give all notices as provided in the Bylaws or as required by law.
- b) Take minutes of the meetings of the Board of Directors and keep the minutes as part of the corporate records.
- e) Maintain custody of the corporate records, authenticate corporate documents and affix the seal of the Corporation as required.
- d) Keep a register of the mailing addresses of each director and officer of the Corporation.
- e) Perform duties as assigned by the president or Board of Directors.
- f) Perform all duties incident to the office of secretary. The secretary may either be elected from among the members of the board or at the option of the Board, be persons other than the members of the Board, and/or may be employees of the City.

Treasurer

4.08 — The Treasurer shall:

- a) Have charge and custody of and be responsible for all funds and securities of the Corporation.
- b) Receive and give receipts for monies due and payable to the Corporation from any source.
- e) Deposit all monies in the name of the Corporation in banks, trust companies, or other depositories as shall be selected by the Board of Directors.
- d) Write checks and disburse funds to discharge obligations of the Corporation.
- e) Maintain the financial books and records of the Corporation.
- f) Prepare financial reports at least annually.
- g) Perform other duties as assigned by the Board of Directors.
- h) Perform all duties incident to the office of treasurer. The treasurer may be either elected from among the members of the board or at the option of the Board, be persons other than the members of the Board, and/or may be

employees of the City.

~~**Executive Director**~~

~~4.09 — There may be an Executive Director of the Corporation who shall be responsible for the administration of all the affairs of the Corporation. The Executive Director shall be an employee of the City of Sealy, Texas, and a Department Director. The Board may make a recommendation to the City Manager regarding the Executive Director candidate to be employed. As an employee and Department Director of the City, the City Manager shall employ, suspend, or discharge the Executive Director with the concurrence of the City Council. The Executive Director shall perform and direct the daily administrative operations of the Corporation. The Executive Director shall be reviewed by the Board of Directors on an annual basis and shall be reviewed by the City Manager on an annual basis. The Executive Director shall receive compensation as approved by budget. The Executive Director shall provide quarterly reports to the City Council and shall meet with the City Manager twice a month to facilitate communication between the two entities.~~

~~(Amended 1.22.19, 5.12.21)~~

~~**Executive Director and Main Street Program Manager**~~

~~4.10 — The Main Street Program Manager shall be an employee of the City but may be supervised by the Corporation's Executive Director if authorized by the City of Sealy. With approval of the City Manager, the Executive Director may employ, suspend, terminate, evaluate, or take an employment action deemed necessary regarding the Main Street Program Manager.~~

~~(Amended 7.16.19)~~

~~**ARTICLE V**~~

~~**Contracts**~~

~~5.01 — The Board of Directors may by formal action or resolution authorize any officer or agent of the Corporation to enter into a contract or execute and deliver any instrument in the name of or on behalf of the Corporation. This authority may be limited to a specific contract or instrument or it may extend to any number and type of contracts and instruments.~~

~~**Depository**~~

~~5.02 — The Board of Directors of the Corporation shall according to the investment policy designate a depository bank. All funds of the corporation shall be deposited with the depository bank. All checks, drafts, or orders of payment of money, notes or other evidence of indebtedness issued in the name~~

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of the Corporation shall be signed by two (2) of the following: President, Vice-President, Treasurer or Executive Director.

Annual Corporation Budget

5.03 — The Executive Director shall on behalf of the board prepare a proposed annual budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the Board and the City Council, who shall annually review the financial status of the corporation. The proposed budget shall be submitted to the City Council within a time frame to be specified by the City Manager for inclusion in the City's annual budgeting process.

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5.04 — The Corporation may contract with the City to provide financial and other services for the Corporation upon terms, conditions, and compensation as mutually agreeable.

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5.05 — The Board of Directors may accept on behalf of the Corporation any gift or bequest provided for the general purposes of or for any special purpose of the Corporation.

Prohibited Acts

5.06 — As long as the Corporation is in existence, no director, officer or committee member of the Corporation shall:

- a) Do any act in violation of the bylaws or binding obligations of the Corporation.
- b) Do any act with the intention of harming the Corporation or any of its operations.
- c) Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the Corporation.
- d) Receive an improper personal benefit from the operation of the Corporation.
- e) Use the assets of the Corporation, directly or indirectly, for any purpose other than conducting the business of the Corporation.
- f) Wrongfully transfer or dispose of Corporation property, including intangible property such as good will.
- g) Use the name of the Corporation (or any substantially similar name) or any trademark or trade name adopted by the Corporation, except on behalf of the Corporation in the ordinary course of the Corporation's business.

~~h) Disclose any of the Corporation's business practices, trade secrets or any other information not generally known to the business community or to any person not authorized to receive it.~~

~~i) Commit Corporation funds without prior approval of the Board of Directors.~~

~~j) Incur a financial obligation that cannot be paid from:~~

~~1) bond proceeds;~~

~~2) revenue realized from the lease or sale of a project;~~

~~3) revenue realized from a loan made by the corporation to wholly or partly finance or refinance a project; or~~

~~4) money granted under a contract with a municipality under section 380.002 of the Texas Local Government Code.~~

ARTICLE VI

Required Book and Records

~~6.01 The Corporation shall keep correct and complete books and records of accounts and activity for a minimum of five (5) years. The Corporation's books and records shall include:~~

~~a) A file endorsed copy of all documents filed with the Texas Secretary of State relating to the Corporation, including, but not limited to, the Articles of Incorporation, any Articles of Amendment, Restated Articles, Articles of Merger, Articles of Consolidation, and statement of change of registered office or agent.~~

~~b) A copy of the Bylaws and any amended versions or amendments to the Bylaws.~~

~~c) Minutes of the proceedings of the Board of Directors.~~

~~d) A list of names and addresses of the directors and officers of the Corporation. In accordance with the Texas Government Code §552.024 & §552.117, a Director may request (in writing) that the Corporation not reveal their home address or home phone number.~~

~~e) A financial statement showing the assets, liabilities, and net worth of the Corporation.~~

~~f) A financial statement showing the income and expenses of the Corporation.~~

~~g) All rulings, letters, and other documents relating to the Corporation's federal, state, and local tax status.~~

~~h) The Corporation's federal, state and local information or income tax returns for each of the Corporation's tax years.~~

Records Open to Public

~~6.02 The Corporation shall be considered a "governmental body" within the meaning of Chapter 552, Texas Government Code. All records of the Corporation shall be~~

~~made available to the public for inspection or reproduction in accordance with the requirements of the Texas Government Code, Chapter 552 ("The Texas Public Information Act").~~

Audit

~~6.03 — The Board of Directors shall provide for an independent annual audit of the Corporation's books; provided, further, that an annual audit by the City Council of the Corporation's books and records in conjunction with the annual audit of the City's books and records shall be sufficient. The City Council of the City of Sealy, Texas, may at any time require an independent audit of the Corporation's books to be conducted.~~

ARTICLE VII

~~7.01 — The fiscal year of the Corporation shall begin on the first day of October and end on the last day of September.~~

ARTICLE VIII

~~8.01 — The Bylaws may be altered, amended, or repealed by the Board of Directors with the consent and approval of the City Council of the City of Sealy, Texas, as evidenced by a resolution with the Bylaws attached.~~

ARTICLE IX

Legal Authorities Governing Construction of Bylaws

~~9.01 — The Bylaws shall be construed in accordance with the laws of the State of Texas. All references in the Bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is expressly provided that the provisions of the Development Corporation Act applicable to corporations governed under Chapter 505 of the Texas Local Government Code, are incorporated within these Bylaws by reference. In the event of any conflict between the applicable provisions of the Development Corporation Act and these Bylaws, then the applicable provisions of such Act shall control.~~

Legal Construction

~~9.02 — If any Bylaw provision is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision and the Bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the Bylaws.~~

Headings

9.03 — ~~The headings used in the Bylaws are used for convenience and shall not be considered in construing the terms of the Bylaws.~~

Seal

9.04 — ~~The Board of Directors may provide for a Corporation seal. Such seal shall contain the words "Sealy Economic Development Corporation" and "Texas".~~

Parties Bound

9.05 — ~~These Bylaws shall be binding upon and inure to the benefit of the directors, officers, and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors and assigns except as otherwise provided in the Bylaws.~~

Effective Date

9.06 — ~~These Bylaws, and any subsequent amendments hereto, shall be effective as of and from the date on which approval has been given by both the Board of Directors and the City Council of the City of Sealy, Texas.~~

Indemnification of Directors, Officers, and Employees

9.07

- a) ~~As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.~~
- b) ~~The Corporation shall have the power to indemnify any director or officer or former director or officer of the Corporation for expenses and costs (including attorneys' fees) actually and necessarily incurred by him/her in connection with any claim asserts against him/her by action in court or otherwise by reason of his/her being or having been such director or officer, except in relation to matters as to which he/she shall have been found guilty of negligence or misconduct in respect of the matter in which indemnity is sought.~~

Corporation May Provide Insurance

~~9.08 — With consent of the City Council, the corporation may obtain insurance and benefits as provided by Texas Local Government Code §501.067, including liability insurance. The premiums for such insurance shall be paid for by the Corporation.~~

Dissolution of the Corporation

~~9.09 — The Corporation is a nonprofit corporation. Upon dissolution, all of the Corporation's assets shall be distributed to the City of Sealy.~~

Service of Process

~~9.10 — The president, vice-president, and the registered agent of the Corporation shall be agents of such corporation upon whom any process, notice, or demand required or permitted by law to be serviced upon the Corporation may be served.~~

Liability

~~9.11 — The following are not liable for damages arising from the performance of a government function of the corporation or the City of Sealy:~~

- ~~1) the corporation;~~
- ~~2) a director of the corporation;~~
- ~~3) the City of Sealy;~~
- ~~4) a member of the City Council of the City of Sealy; or~~
- ~~5) an employee of the corporation or City.~~

**CERTIFICATE OF
SECRETARY**

I certify that I am duly elected and acting secretary of the SEALY ECONOMIC DEVELOPMENT CORPORATION, and the foregoing Bylaws constitute the Bylaws of the Corporation. These Bylaws were duly adopted at a meeting of the Sealy EDC Board of Directors held on the 26th day of January, 2021. And subsequently approved and ratified by the City Council of the City of Sealy, Texas at a meeting held on the 12th day of May, 2021. Then approved with a resolution at a Special meeting of the Sealy EDC Board of Directors held on June 30, 2021.



**AMENDED BYLAWS
OF
SEALY ECONOMIC DEVELOPMENT CORPORATION**

These Bylaws govern the affairs of the SEALY ECONOMIC DEVELOPMENT CORPORATION (the "Corporation"¹¹), a nonprofit development corporation created pursuant to the Development Corporation Act of 1979, now Chapters 501 through 505 of the Texas Local Government Code (the "Act" as amended, and other applicable laws.

ARTICLE 1

PURPOSE AND POWERS

Purpose

1.01 The Corporation is incorporated as a nonprofit corporation for the purpose set forth in the Articles of Incorporation. The Corporation acts on behalf of the City of Sealy, Texas, in furtherance of the public purpose of the Act and may engage in any project authorized under Type B of the Act. The Corporation is a nonprofit corporation as defined by the Internal Revenue Code of 1986, as amended, and the applicable rulings of the Internal Revenue Service of the United States prescribed and promulgated thereunder. For the purposes of Chapter 101, Texas Civil Practices and Remedies Code, the Corporation is a governmental unit and its actions are governmental functions. The Corporation shall not be a political subdivision or a political corporation within the meaning of the Constitution and the laws of the State of Texas, including without limitation, Article 111, Section 52 of the Texas Constitution.

Powers

1.02 In fulfillment of its corporate purpose, the Corporation is a Type B corporation and shall be governed by the Act and specifically Chapter 505 of the Texas Local Government Code, and shall have all the powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof the hereof.

SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC ON 5/9/2024

ARTICLE II**OFFICES****Principal Office**

2.01

- (a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation. The office of the registered agent shall always be within the boundaries of the City of Sealy.
- (b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act. The registered agent shall be a resident of the State of Texas. The Board of Directors may, from time to time, change the registered office and the registered agent as permitted by law.

ARTICLE III**BOARD OF DIRECTORS****Management of the Corporation**

3.01 The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by the Economic Development Corporation Act of 1979, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all the powers of the Corporation.

Number, Qualifications, and Tenure of Directors

3.02 The Board of Directors shall consist of seven (7) members who are appointed by the governing body of the City of Sealy, for staggered two (2) year terms of office. Each director must reside within the City of Sealy, Texas. Not more than two (2) directors or less than one (1) shall be persons who are members of the city council of the City of Sealy. As provided by State law, TLGC §S0S.052(c), three directors of a Type B corporation must be persons who are not employees, officers, or members of the authorizing municipality. The terms of four (4) directors shall begin on June 1, of each even-numbered year, and expire on May 31, of the next following even year. The terms of three (3) directors shall begin June 1, of each odd-numbered year, and expire on May 31, of the next following odd-numbered year. All directors shall holdover until their successors are appointed unless a director is removed by City Council.

SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

Vacancies

3.03 A vacancy occurring upon the Board of Directors shall be filled for the unexpired term by appointment by the governing body of the City of Sealy. If a director is absent for three regular consecutive meetings, the director's office is considered vacant unless the director is sick or has first obtained a leave of absence at a regular meeting.

Annual Meeting

3.04 The annual meeting of the Board of Directors shall be held during the month of June for the election of officers.

Regular Meetings

3.05 Regular meetings of the Board shall be held at such dates, and times and places as designated by the Board. The meeting shall be held within the City of Sealy, Texas, at the principal offices of the Corporation or at such other location as the Board of Directors may designate.

Special Meetings

3.06 Special meetings of the Board of Directors may be called at the request of the president or by any two (2) directors. The person(s) calling a special meeting shall fix the time and location of the meeting. The person(s) calling a special meeting shall notify the secretary of the Corporation of the information required to be included in the notice of the meeting.

Notice of Meetings

3.07 The Board of Directors shall be considered a "governmental *body*" within the meaning of Texas Government Code, Sec. 551.001, and all meetings, notices of meetings, and deliberations shall be called, convened, held, conducted and given in accordance with the provisions of Texas Government Code, Chapter 551 (The Texas Open Meetings Act). In addition to the posting of a meeting notice in accordance with these Bylaws and the Texas Open Meetings Act, a copy of each such meeting notice shall be delivered to each Director not less than seventy-two (72) hours before the time of the meeting. The notice shall state the place, date, and time of the meeting. A meeting notice shall be deemed delivered to any Director when deposited in the United States mail addressed to the Director at his or her address as it appears on the records of the Corporation, hand delivery to his or her address or by electronic mail (e-mail) at his or her email address provided by the City Secretary. Such additional notice may be waived in writing by a Director entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

Quorum

3.08 Four Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. No business shall be conducted, nor shall any action be taken by the Board of Directors in the absence of a quorum. The action of the majority of the Directors who are present and eligible to vote upon a matter shall be the act of the Board of Directors.

Powers and Duties of the Board of Directors

3.09

- a) Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith and take actions they reasonably believe to be in the best interest of the Corporation and which are lawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. The corporation shall have all the powers granted by Chapter 505 of the Texas Local Government Code and the Development Corporation Act and is subject to the limitations of a corporation created under another provision of the Act.
- b) The corporation may contract with another private corporation to:
 - (1) carry out an industrial development program or objective; or
 - (2) assist with the development or operation of any economic development program or objective consistent with the purposes and duties specified by the Act.
- c) The corporation may spend no more than 10 percent of the corporate revenues for promotional purposes.
- d) The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.
- e) Not later than February 1 of each year, the board shall submit a report to the Comptroller including all information required by Texas Local Government Code §502.151.
- f) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law.
- g) The corporation may exercise the power of eminent domain only:
 - (1) on approval of the action by the governing body of the authorizing municipality; and
 - (2) in accordance with and subject to the laws applicable to the authorizing municipality.

Removal of Directors

3.10 The Board of Directors and each member thereof serves at the pleasure of the City Council of the City of Sealy, Texas, which may remove any director at any time, either with or without cause.

Committees of Directors

3.11 The Board of Directors may appoint persons to serve on a standing or ad hoc committee. Committee members need not be Directors of the Corporation, unless required by these Bylaws or resolution. Such committees shall have the powers, duties, and responsibilities established by the Board. The committees shall keep regular minutes of their meetings and report the same to the Board of Directors when required. The action of such a committee shall not constitute action by the board.

ARTICLE IV

OFFICERS

Officer Positions

4.01 The officers of the Corporation shall be president, vice president, a secretary, and a treasurer. The Board of Directors may create additional officer positions, define the authorities and duties of such additional positions and appoint persons to fill such positions.

Election and Terms of Officers

4.02 The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting.

Removal of Officers

4.03 Any officer may be removed by the Board of Directors at any time, with or without good cause. The removal of an officer does not also result in the removal of such person as a director of the Corporation.

Vacancies of President, Vice President, Secretary, and Treasurer

4.04 A vacancy in any office may be filled by the Board of Directors for the unexpired portion of the officer's term.

President

4.05 The president shall be the chief executive officer of the Corporation. The president shall supervise and control all of the business and affairs of the Corporation and must be elected from among the members of the board. The president shall preside at all meetings of the Board of Directors. The president shall execute all documents and agreements affecting the corporation, except where such power is expressly delegated to another officer of the Corporation or the Executive Director.

SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

The president shall perform other duties prescribed by the Board of Directors and all duties incident to the office of the president.

Vice-President

4.06 When the president is absent, is unable to act, or refuses to act, the vice president shall perform the duties of the president. When acting in place of the president, the vice president shall have all the powers and duties as the president and be subject to all of the limitations and restrictions placed upon the president. The vice president must be elected from among the members of the board.

Secretary

4.07 The Secretary shall:

- a) Give all notices as provided in the Bylaws or as required by law.
- b) Take minutes of the meetings of the Board of Directors and keep the minutes as part of the corporate records.
- c) Maintain custody of the corporate records, authenticate corporate documents and affix the seal of the Corporation as required.
- d) Keep a register of the mailing addresses of each director and officer of the Corporation.
- e) Perform duties as assigned by the president or Board of Directors.
- f) Perform all duties incident to the office of secretary. The secretary may either be elected from among the members of the board or at the option of the Board, be persons other than the members of the Board, and/or may be employees of the City.

Treasurer

4.08 The Treasurer shall:

- a) Have charge and custody of and be responsible for all funds and securities of the Corporation.
- b) Receive and give receipts for moneys due and payable to the Corporation from any source.
- c) Deposit all monies in the name of the Corporation in banks, trust companies, or other depositories as shall be selected by the Board of Directors.
- d) Write checks and disburse funds to discharge obligations of the Corporation.
- e) Maintain the financial books and records of the Corporation.
- f) Prepare financial reports at least annually.
- g) Perform other duties as assigned by the Board of Directors
- h) Perform all duties incident to the office of treasurer. The treasurer may be either elected from among the members of the board or at the option of the Board, be persons other than the members of the Board, and/or may be employees of the City.

Executive Director

4.09 There may be an Executive Director of the Corporation who shall be responsible for the administration of all the affairs of the Corporation. The Executive Director shall be an employee of the City of Sealy, Texas, and a Department Director. The Board may make a recommendation to the City Manager regarding the Executive Director candidate to be employed. As an employee and Department Director of the City, the City Manager shall employ, suspend, or discharge the Executive Director with the concurrence of the City Council. The Executive Director shall perform and direct the daily administrative operations of the Corporation. The Executive Director shall be reviewed by the Board of Directors on an annual basis and shall be reviewed by the City Manager on an annual basis. The Executive Director shall receive compensation as approved by budget. The Executive Director shall provide quarterly reports to the City Council and shall meet with the City Manager twice a month to facilitate communication between the two entities.

(Amended 1.22.19, 5.12.21)

ARTICLE V

TRANSACTIONS OF THE CORPORATION

Contracts

5.01 The Board of Directors may by formal action or resolution authorize any officer or agent of the Corporation to enter into a contract or execute and deliver any instrument in the name of or on behalf of the Corporation. This authority may be limited to a specific contract or instrument or it may extend to any number and type of contracts and instruments.

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5.03 The Executive Director shall on behalf of the board prepare a proposed annual budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the Board and the City Council, who shall annually review the financial status of the corporation. The proposed budget shall be

SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

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- e) Use the assets of the Corporation, directly or indirectly, for any purpose other than conducting the business of the Corporation.
- f) Wrongfully transfer or dispose of Corporation property, including intangible property such as good will.
- g) Use the name of the Corporation (or any substantially similar name) or any trademark or trade name adopted by the Corporation, except on behalf of the Corporation in the ordinary course of the Corporation's business.
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 - 4) money granted under a contract with a municipality under section 380.002 of the Texas Local Government Code.

ARTICLE VI**BOOKS AND RECORDS****Required Book and Records**

6.01 The Corporation shall keep correct and complete books and records of accounts and activity for a minimum of five (5) years. The Corporation's books and records shall include:

- a) A file endorsed copy of all documents filed with the Texas Secretary of State relating to the Corporation, including, but not limited to, the Articles of Incorporation, any Articles of Amendment, Restated Articles, Articles of Merger, Articles of Consolidation, and statement of change of registered office or agent.
- b) A copy of the Bylaws and any amended versions or amendments to the Bylaws.
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- e) A financial statement showing the assets, liabilities, and net worth of the Corporation.
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Audit

6.03 The Board of Directors shall provide for an independent annual audit of the Corporation's books; provided, further, that an annual audit by the City Council of the Corporation's books and records in conjunction with the annual audit of the City's books and records shall be sufficient. The City Council of the City of Sealy, Texas, may at any time require an independent audit of the Corporation's books to be conducted.

SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

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ARTICLE VII**FISCAL YEAR**

7.01 The fiscal year of the Corporation shall begin on the first day of October and end on the last day of September.

ARTICLE VIII**AMENDMENTS TO BYLAWS**

8.01 The Bylaws may be altered, amended, or repealed by the Board of Directors with the consent and approval of the City Council of the City of Sealy, Texas, as evidenced by a resolution with the Bylaws attached.

ARTICLE IX**MISCELLANEOUS PROVISIONS****Legal Authorities Governing Construction of Bylaws**

9.01 The Bylaws shall be construed in accordance with the laws of the State of Texas. All references in the Bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is expressly provided that the provisions of the Development Corporation Act applicable to corporations governed under Chapter 505 of the Texas Local Government Code, are incorporated within these Bylaws by reference. In the event of any conflict between the applicable provisions of the Development Corporation Act and these Bylaws, then the applicable provisions of such Act shall control.

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9.02 If any Bylaw provision is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision and the Bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the Bylaws.

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SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

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9.04 The Board of Directors may provide for a Corporation seal. Such seal shall contain the words "Sealy Economic Development Corporation" and "Texas".

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9.05 These Bylaws shall be binding upon and inure to the benefit of the directors, officers, and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors and assigns except as otherwise provided in the Bylaws.

Effective Date

9.06 These Bylaws, and any subsequent amendments hereto, shall be effective as of and from the date on which approval has been given by both the Board of Directors and the City Council of the City of Sealy, Texas.

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SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

Service of Process

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- 3) the City of Sealy;
- 4) a member of the City Council of the City of Sealy; or
- 5) an employee of the corporation or City.

CERTIFICATE OF SECRETARY

I certify that I am acting secretary of the SEALY ECONOMIC DEVELOPMENT CORPORATION, and the foregoing Amended Bylaws constitute the Bylaws of the Corporation. These Bylaws were duly adopted at a meeting of the Sealy EDC Board of Directors held on the 4th day of June 2021. And subsequently amended and approved at a meeting of the Sealy EDC Board of Directors held on April 23, 2024. Then approved by resolution and ratified by the City Council of the City of Sealy, Texas at a meeting held on the 9th day of May 2024. Then

Signed this 7th day of June 2024.



SECRETARY OF THE CORPORATION

SEALY EDC BYLAWS APPROVED BY EDC 4/23/2024 & AMENDED BY CC 5/9/2024

EXHIBIT "C"

PLANNING COMMISSION

Ordinances 1974-02, 1975-09, 1977-6, 1993-12, 2007-09, 2014-21

ARTICLE II. PLANNING COMMISSION²

Sec. 78-31. Created.

There is created and established for the city a planning commission. The members shall be resident citizens, appointed to serve for two-year overlapping terms beginning on June 1.

(Ord. No. 74-02, § 1, 1-16-1974; Ord. No. 77-6, § 1, 5-4-1977; Ord. No. 93-12, § 1, 3-10-1993)

Sec. 78-32. Membership.

The planning commission shall consist of seven members who are qualified residents of the city. The commission shall be appointed by the mayor and approved by the city council; however, all members shall continue in office until their prospective successors have been appointed.

(Ord. No. 74-02, § 1, 1-16-1974; Ord. No. 77-6, § 1, 5-4-1977; Ord. No. 93-12, § 1, 3-10-1993; Ord. No. 2007-09, § 1, 8-8-2007)

Sec. 78-33. Removal for excess absences authorized.

Three unexcused absences of any member from any regular meetings of the planning commission shall, at the discretion of the mayor, render any such member liable for immediate removal from office.

(Ord. No. 93-12, § 2, 3-10-1993)

Sec. 78-34. Organization.

- (a) The planning commission shall elect a chairman and vice-chairman from its membership, and the city council shall furnish such qualified persons as may be necessary for the proper conduct and undertakings of the planning commission.
- (b) The planning commission shall have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council; and they shall be subject to approval of the city council. Such bylaws shall include, among other items, provisions for:
 - (1) Regular and special meetings, open to the public;
 - (2) Record of its proceedings, to be open for inspection by the public;
 - (3) Reporting to the council and the public from time to time and annually; and
 - (4) The holding of public hearings on its recommendations.

(Ord. No. 74-02, § 2, 1-16-1974)

Sec. 78-35. Powers and duties.

The planning commission shall have the following powers and duties:

- (1) The planning commission is authorized and responsible to make recommendations to the city council for the adoption of a municipal comprehensive plan, in accordance with Section 213.002, Texas Local Government Code as a whole, or as in parts, or as in periodic updates, to guide to direct and guide the future growth and development of the City of Sealy, the Sealy ETJ and the Sealy environs.
- (2) The commission is authorized and responsible to engage in planning studies and the development of plans for improvements to the city for the purpose of making planning recommendations to the city council with a view to the development and expansion of the community on matters that may include, but shall not be limited to, the development and improvement of public facilities, the design and appearance of the community, and capital improvement program planning matters.
- (3) The commission is authorized and responsible to perform all duties granted to the planning commission by the statutes of the Texas Local Government Code and by specific provisions of the Sealy City Code.
- (4) The commission is authorized and responsible to make plans and maps of the whole, or any portion, of the City of Sealy, the Sealy ETJ, and any other land outside the city and it's ETJ which bears a relation to the planning of the city, in order to formulate recommendations for city council consideration.
- (5) The commission is authorized and responsible to act with, and assist, any other municipal and governmental agencies, advisory boards and commissions, as directed by the city council, in formulating and executing proper plans for municipal development.
- (6) The commission is authorized and responsible to plan and make recommendations for city council consideration relative to the location, extension, or expansion of public streets, drainage and/or flood control improvements, utility improvement, parks, and other public improvements.
- (7) The commission is authorized and responsible to render recommendations to the city council on documents, plans and studies that propose future land us recommendations, future thoroughfare plan recommendations and any other plans, documents or studies that fundamentally shape the future form of the City of Sealy.
- (8) The commission is authorized and responsible to review and formulate recommendations for the city council with respect to the administration of Chapter 87, Subdivision of Land and Plats, of the Sealy City Code, pursuant to Section 212, Texas Local Government Code. The commission shall also make a recommendation for city council consideration on any variance that may be requested from any requirement associated with the subdivision process.
- (9) The commission is authorized and responsible to recommend to the city council the adoption of rules and regulations governing plats and subdivisions of land within the planning area of the City of Sealy, site planning and other land development regulations designed to promote health, safety, moral and general welfare of the community and the safe and orderly and healthful development of the community.
- (10) The planning commission is authorized and responsible to hear and decide upon an alleged error made in the administration of certain development regulations, or to appeal in any order,

requirement, decision, or determination by an officer of the City of Sealy in the administration of certain development regulations where such powers are expressly granted by the Sealy City Code.

(11) The commission is authorized and responsible to consider and grant variances from certain land development regulations where such powers are expressly stipulated by the Sealy City Code when the commission determines that the granting of a variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of these regulations will result in an unnecessary hardship.

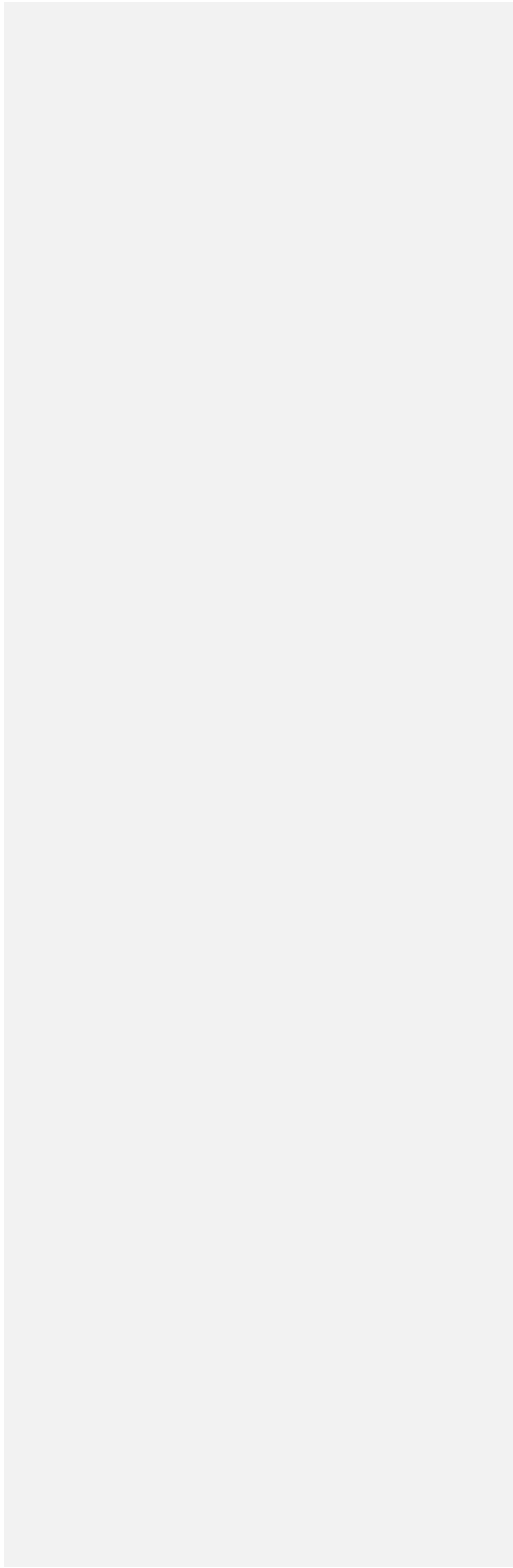
(Ord. No. 74-02, § 3, 1-16-1974; Ord. No. 75-09, 11-20-1975; Ord. No. 93-12, § 1, 3-10-1993; Ord. No. 2014-21 , § 2, 12-9-14)

State law reference(s)—Municipal regulation of subdivisions and property development, V.T.C.A., Local Government Code § 212.001 et seq.

EXHIBIT "D"

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

Resolution 2018-29



RESOLUTION NO. 2018-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, APPOINTING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AS REQUIRED BY CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, Chapter 395 of the Texas Local Government Code authorizes municipalities of the State to impose impact fees against new development for the purpose of generating revenue to fund or recoup the costs of capital improvements or facility expansions necessitated by the new development; and

WHEREAS, a municipality imposing impact fees must follow the procedures established by Chapter 395 of the Local Government Code, including, but not limited to, the appointment of an Advisory Committee; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS THAT:

Section 1. The City's Planning Commission shall act as the Capital Improvements Advisory Committee as provided by Section 395.058 of the Local Government Code. The Commission currently includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity.

Section 2. The Capital Improvements Advisory Committee shall:

- A. Advise and assist the City Council in adopting land use assumptions;
- B. Review the capital improvements plan, land use assumptions and impact fees and file written comments in accordance with Section 395 of the Local Government Code and the following:
 1. Written comments to the proposed impact fees shall be filed with the City Secretary before the fifth business day before the date of the public hearing on the imposition of impact fees;
- C. Monitor and evaluate the implementation of the capital improvements plan;
- D. File semiannual reports with respect to the progress of the capital improvements plan and report to City Council any perceived inequities in implementing the plan or imposing the impact fee;
- E. Advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee; and
- F. Other duties as assigned by City Council that relate to impact fees.

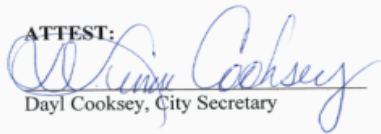
Section 3. The following procedural rules are adopted for the Capital Improvements Advisory Committee in carrying out its duties:

- A. The Chair and Vice Chair of the Planning Commission shall serve in these respective positions when acting as the Capital Improvements Advisory Committee;
- B. The City Secretary shall serve as ex officio (nonvoting) secretary of the Committee and shall keep minutes, books, files and other records of the Committee and perform such other duties as are incidental to the office;
- C. A quorum shall consist of four members and the Chair shall have a vote in all matters;
- D. No final action shall be taken on any matter except pursuant to a simple majority vote of the members present;

- E. Any motion by a member shall require a second. After a motion has been made and seconded, discussion of the motion may be had for a reasonable period of time at the direction of the Chair. Discussion shall terminate at the direction of the Chair or upon a call for a vote on the question by a member of the Committee;
- F. Whenever any question of procedure may be raised at a Committee meeting, the Chair shall rule thereon. A member may move to overrule the Chair's decision, which may be done only by a majority vote of the members present; and
- G. Voting on matters may be by voice vote; unless provided for otherwise.

PASSED AND APPROVED this the **28th** day of **August 2018**.

ATTEST:


Dayl Cooksey, City Secretary

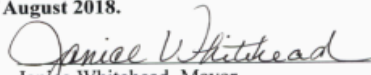
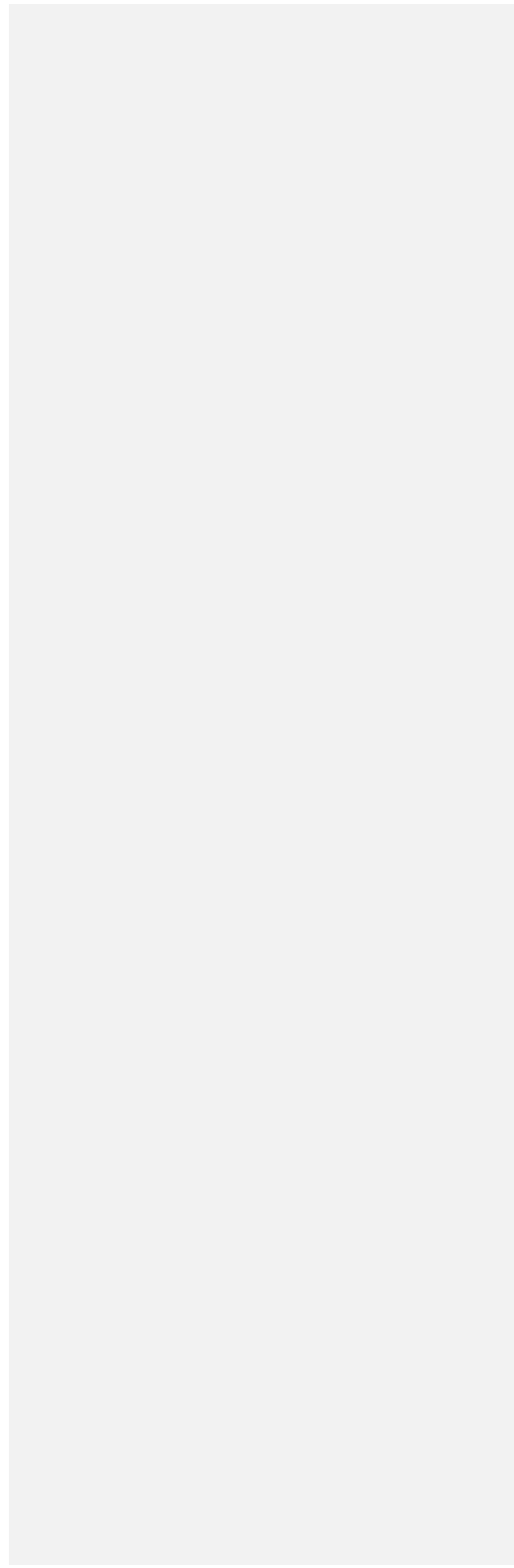

Janice Whitehead, Mayor



EXHIBIT "E"

CHARTER REVIEW COMMITTEE

CODE OF ORDINANCES – SEC. 9.3



Sec. 9.13. Charter review commission.

The city council shall, at its first regular meeting in July two (2) years after adoption of this Charter then every five (5) years thereafter, appoint a Charter review commission of five (5) citizens of the city.

A. *Duties of the commission.*

- (1) Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the commission shall have the power to compel the attendance of any official or employee of the city and require the submission of any of the city records which it may deem necessary to the conduct of such hearing.
- (2) Propose any recommendation it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
- (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
- (4) Report its findings and present its proposed amendments, if any, to the city council.

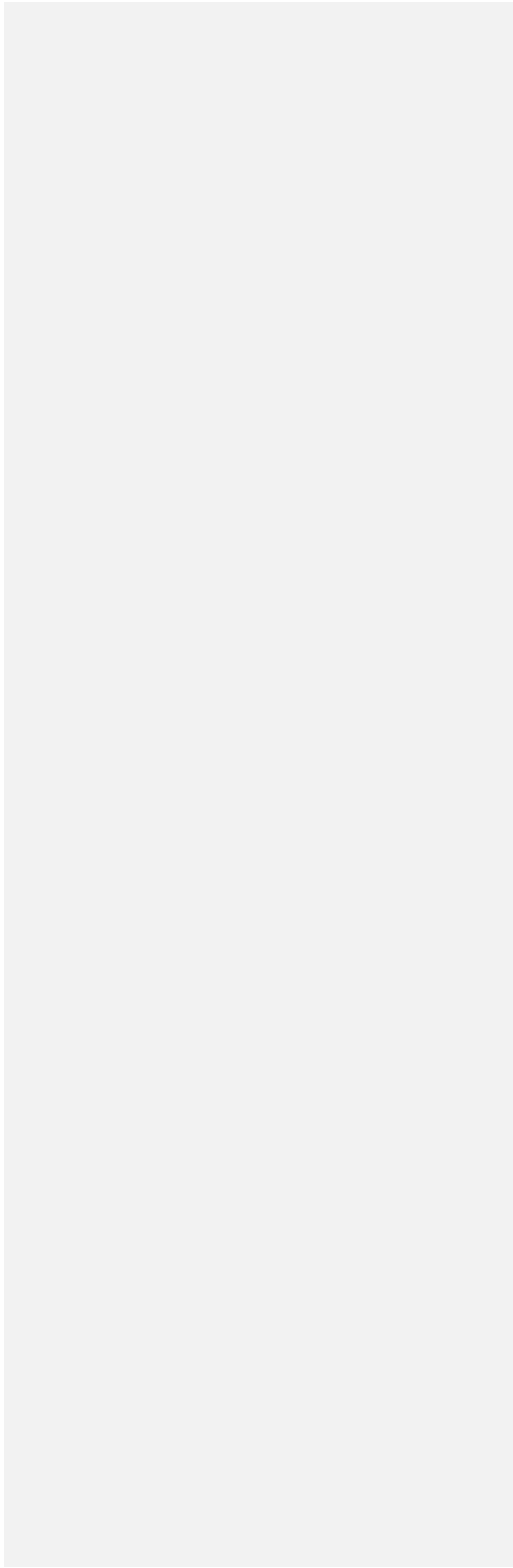
B. *Actions by the city council.* The city council shall receive and have published in the designated official newspaper of the city any report presented by the Charter review commission; shall consider any recommendations made and may submit proposed Charter amendments to the qualified voters of the city in the manner provided by the Texas Local Government Code, as now or hereafter amended.

C. *Term of office.* The term of such Charter review commission shall be six (6) months, and at the completion of such term a report shall be presented to the city council, and all records of the proceedings of such commission shall be filed with the city secretary and shall become a public record.

EXHIBIT "F"

SEALY DEVELOPMENT AUTHORITY/ TIRZ #2

Ordinance 2005-01



ORDINANCE NO. 2005-01

AN ORDINANCE DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN CITY OF SEALY AS REINVESTMENT ZONE NUMBER TWO, CITY OF SEALY, TEXAS, FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE.

* * * * *

WHEREAS, pursuant to Chapter 311 of the Texas Tax Code, the City may designate a contiguous geographic area within the City as a reinvestment zone if the area satisfies the requirements of certain sections of Chapter 311 of the Texas Tax Code; and

WHEREAS, the City has prepared a preliminary reinvestment zone financing plan, which provides that City of Sealy's ad valorem taxes are to be deposited into the tax increment fund, and that taxes of other taxing units may be utilized in the financing of the proposed zone; and

WHEREAS, the City provided written notice of the public hearing on the creation of the proposed zone, complying with the requirements of Chapter 311, Texas Tax Code, to the governing body of all taxing units levying taxes on property in the proposed zone; and

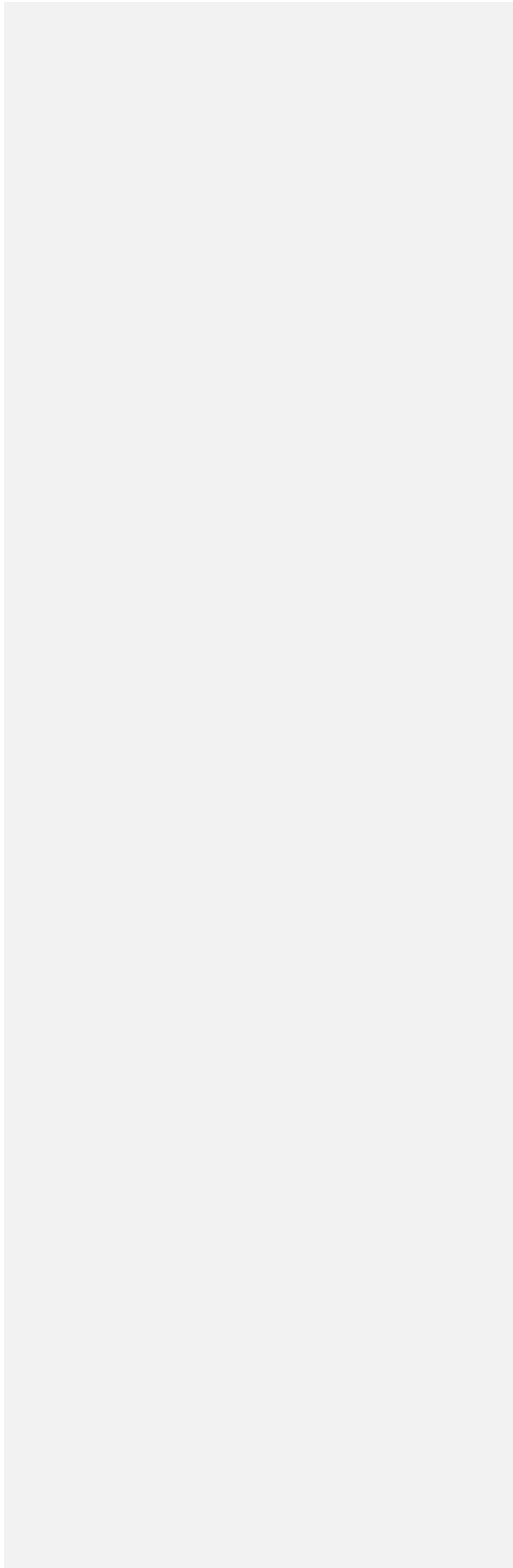
WHEREAS, a notice of the December 22, 2004 public hearing on the creation of the proposed zone was published on December 10, 2004, in *Sealy News*, a newspaper of general circulation in the City; and

WHEREAS, at the public hearing on December 22, 2004 interested persons were allowed to speak for or against the creation of the proposed zone, its boundaries, or the concept of tax increment financing; and owners of property in the proposed zone were given a reasonable opportunity to protest the inclusion of their property in the proposed zone; and

WHEREAS, evidence was received and presented at the public hearing in favor of the creation of the proposed zone under the provisions of Chapter 311, Texas Tax Code; and

WHEREAS, no owner of real property in the proposed zone protested the inclusion of their property in the proposed zone; and

WHEREAS, the City has provided all information, and made all presentations, given all notices and done all other things required by Chapter 311, Texas Tax Code, or other law as a condition to the creation of the proposed zone; and



WHEREAS, the total appraised value of taxable real property in the proposed zone and all other tax increment reinvestment zones previously created by the City is approximately \$4,422,000; and

WHEREAS, the total area within the proposed zone is approximately 315 acres, excluding property that is publicly owned; NOW, **THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. Findings.

(a) That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

(b) That the City Council further finds and declares that the proposed improvements in the zone will significantly enhance the value of all the taxable real property in the proposed zone and will be of general benefit to the City.

(c) That the City Council further finds and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone contains substantial areas that are predominantly open and underdeveloped, and lack public water distribution, and wastewater collection facilities, which conditions substantially impair and arrest the sound growth of the City.

(d) That the City Council, pursuant to the requirements of Chapter 311, Texas Tax Code, further finds and declares:

- (1) That the proposed zone is a contiguous geographic area located wholly within the corporate limits of the City of Sealy;
- (2) That the total appraised value of taxable real property in the proposed zone does not exceed fifteen percent of the total appraised value of taxable real property in the City; and
- (3) That the development or redevelopment of the property in the proposed zone will not occur solely through private investment in the reasonably foreseeable future.

Section 2. Designation of the Zone

That the City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.005(a), does hereby designate as a reinvestment zone, and create and designate a reinvestment zone over, the area described in Exhibit "A" to promote the development of the area. The reinvestment zone shall hereafter be named for identification as Reinvestment Zone Number Two, City of Sealy, Texas, (the "Zone"). The City Council specifically declares that the Zone is designated pursuant to Section 311.005(a)(1) and (2) of the Texas Tax Code.

Section 3. Board of Directors

That there is hereby created a Board of Directors for the Zone, which shall consist of seven (7) members. Positions One through Five on the Board of Directors shall be reserved for the City. Positions Six and Seven shall be reserved for other taxing units levying taxes within the Zone, each of whom may appoint one director. Any taxing unit that appoints a director shall be assigned a Board position number in the order the City receives the appointment. Failure of a taxing unit to appoint a director by December 31, 2005, shall be deemed a waiver of the right to appoint a director, and the City shall be entitled to appoint persons to the position, which shall be filled as provided below. If more than two taxing units levying taxes within the Zone appoint a director, the number of directors on the Board of Directors shall be increased by one for each taxing unit above two that appoints a director to the board; provided, if more than four taxing units levying taxes within the Zone appoint a director, the number of directors on the Board of Directors shall be increased by two for each taxing unit above four that appoints a director to the board, provided, further, that the maximum number of directors shall not exceed fifteen (15). The City shall be entitled to appoint a person to one position of each of the two positions created as a result of more than four taxing units

appointing directors, which position shall be filled as provided below.

The Mayor is hereby authorized to nominate and appoint, subject to City Council approval, the directors to Positions One through Five of the Board of Directors, any position unfilled on December 31, 2005, and any City position created by the appointment of a director by more than two taxing units levying taxes within the Zone, subject to the consent and approval of the City Council. The directors appointed to odd-numbered positions shall be appointed for two year terms, beginning on the effective date of this Ordinance, while the directors appointed to even-numbered positions shall be appointed to a one year term, beginning on the effective date of this Ordinance. All subsequent appointments shall be for two-year terms. The member of the Board of Directors appointed to Position One is hereby designated to serve as the chair of the Board of Directors for a one-year term beginning on the effective date of this Ordinance. Thereafter the Mayor shall annually nominate and appoint, subject to City Council approval, a member to serve as chair for a term of one year beginning on the anniversary of the effective date of this Ordinance. The City Council authorizes the Board of Directors to elect from its members a vice-chairman and such other officers as the Board of Directors sees fit.

The Board of Directors shall make recommendations to the City Council concerning the administration of the Zone. The Board of Directors shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone as described in Section 311.011, Texas Tax Code, and shall submit such plans to the City Council for its approval. The City hereby delegates to the Board of Directors all powers necessary to prepare and implement the project plan and reinvestment zone financing plan, subject to approval by the City Council, including the power to employ any consultants or enter into any reimbursement agreements payable solely from the Tax Increment Fund established pursuant to Section 6 of this Ordinance, subject to the approval of the Mayor, that may be reasonably necessary or convenient to assist the Board of Directors in the preparation of the project plan and reinvestment zone financing plan and in the issuance of tax increment obligations.

Section 4. Duration of the Zone

That the Zone shall take effect upon passage of this Ordinance, for the deposit of tax increments into the Tax Increment Fund established pursuant to Section 6 of this Ordinance, and termination of the operation of the Zone shall occur on December 31, 2035, or at an earlier time designated by subsequent

ordinance, or at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full.

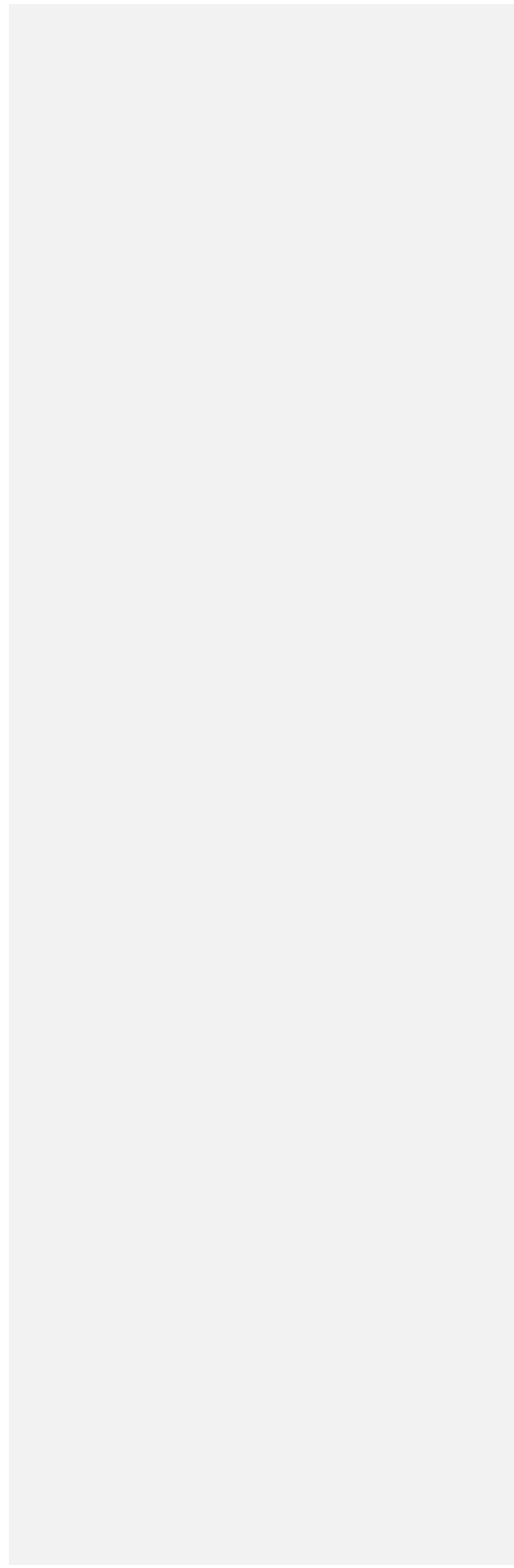
Section 5. Tax Increment Base

That the Tax Increment Base of the City or any other taxing unit participating in the Zone for the Zone is the total appraised value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone, determined as of January 1, 2005, the year in which the Zone was designated as a reinvestment zone (the "Tax Increment Base").

Section 6. Tax Increment Fund

That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into subaccounts as authorized by subsequent ordinances. All Tax Increments, as defined below, shall be deposited in the Tax Increment Fund. The Tax Increment Fund and any subaccount shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. The annual Tax Increment shall equal the property taxes levied by the City and any other taxing unit participating in the Zone for that year on the captured appraised value, as defined by Chapter 311 of the Texas Tax Code, of real property located in Zone that is taxable by the City or any other taxing unit participating in the Zone, less any amounts that are to be allocated from the Tax Increment pursuant to Chapter 311 of the Texas Tax Code. All revenues from the sale of any tax increment bonds, notes or other obligations hereafter issued for the benefit of the Zone by the City, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in the Zone shall be deposited into the Tax Increment Fund. Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code,

for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.01O(b) of the Texas Tax Code.



Section 7. Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person to set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 8. Open Meetings

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the Time required by law preceding its meeting, as required by the Open Meetings Law, Texas Government Code, Ch. 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered

and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

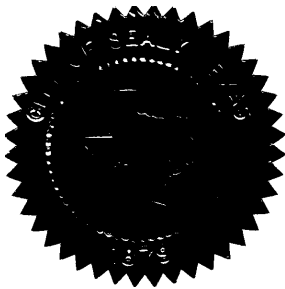
Section 9. Notices

The contents of the notice of the public hearing, which hearing was held before the City Council on December 22, 2004, and the publication of said notice, are hereby ratified, and confirmed.

PASSED AND APPROVED on first reading this 22nd day of December 2004.

PASSED, APPROVED, AND ADOPTED on second and final reading this 12th day of January 2005.

,,



Russell L. Koym
Mayor

ATTEST:

Krishna Langton

Krishna Langton
City Secretary

FIELD NOTE DESCRIPTION
315.584 ACRES OF LAND
AUSTIN COUNTY, TEXAS

BEING a 315.584 acre tract of land out of and part of tracts 1, 2 and 3 of the partition of the J. W. Allen Estate. Tract 2 is a 105 acre tract recorded in Volume 273, Page 15 and tract 3, a 105 acre tract recorded in Volume 228, Page 314 and tract 1 is recorded in Volume 133, Page 630 of the Deed Records of Austin County, Texas and a 33.4307 acre tract known as Sealy Homestead filed under file number 007427 of the Austin County Deed Records. Said tracts 1, 2 & 3 are out of the C. C. Allen Survey, Abstract 337 Austin County, Texas and Sealy Homestead is out of the Issac Gifford Survey, Abstract No. 179 Austin County, Texas. Said 315.584 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod at the intersection of the north right-of-way of F.M. Highway 2187 and the east line of said tract 1, being the a northeast comer of this tract;

THENCE S 48°12'08"E, along the east line of tract 1, across said highway, 151.78 feet to a point in the south right-of-way of FM 2187 being the west comer of Sealy Homestead for an interior comer of this tract;

THENCE N 79°33'15"E, along the south right-of-way off F.M. Highway 2187, 1748.11 feet to the beginning of a curve to the right, having a radius of 22,858.30 feet, a central angle of 0°25'38" and a chord bearing N79°45'14"E- 170.39 feet;

THENCE along said curve 170.39 feet to a point being the northeast comer of said Sealy Homestead and the most northerly comer of this tract;

THENCE S09°42'02"E, along the southeast line of Sealy Homestead and a 1.514 acre tract described in Volume 653, Page 297 of the deed records of Austin County, Texas and a 1.089 acre tract described in Volume 361, Page 448 of the deed records of Austin County, Texas, 701.85 feet to point being the southwest comer of said 1.089 acre tract and an angle point;

THENCE continuing S16°33'07"E along said east line of Sealy Homestead and the west line of a tract described in Volume 554, Page 417 of the deed records of Austin County, Texas, 200.14 feet to a point being the southeast comer of Sealy Homestead and a southeast comer of this tract;

THENCE S76°02'43"W, along the south line of Sealy Homestead and the north line of a 42.066 acre tract described in Volume 263, Page 262 of the deed records of Austin County, Texas, 1178.90 feet to a point in the east line of tract 1 being the southwest comer of Sealy Homestead and an interior comer of this tract;

THENCE S48°12'08"E, along the east line of tract 1 and the west line of said 42.066 acre tract, 2561.65 feet to a point for an interior corner of this tract;

THENCE N42°43'54"E, 169.06 feet to a point for a northeast corner of this tract; **THENCE** S14°52'50"E, 1729.67 feet to a point for the southeast corner of this tract; **THENCE** S80°07'10"W, 231.50 feet to a point for a southwest corner of this tract; **THENCE** N14°52'50"W, 312.14 feet to a point for a southwest corner of this tract; **THENCE** S80°54'59"W, 554.50 feet to a point for a southwest corner of this tract;

THENCE N13°15'36"W, 860.92 feet to a point in the south line of tract 2 for an interior corner of this tract;

THENCE S42°43'54"W, along the south line of tract 2 and 3, 1080.88 feet to a point for an interior corner of this tract;

THENCE S47°16'06"E, 102.45 feet to a point being the beginning of a non tangent curve to the right, having a radius of 350.00 feet, a central angle of 43°34'20" and a chord bearing S23°07'14"E - 259.80 feet;

THENCE along said curve to the right 266.17 feet to the end of said curve;

THENCE S02°58'16"E, 360.83 feet to a point in the north right of way of F.M. Highway 1094 for a southeast corner of this tract;

THENCE S86°15'26"W, along said right-of-way 80.00 feet to a point for a southwest corner of this tract;

THENCE N02°58'16"W, 360.83 feet to a point being the beginning of a non tangent curve to the left, having a radius of 250.00 feet, a central angle of 45°24'33" and a chord bearing N27°48'40"W - 192.99 feet;

THENCE along said curve 198.14 feet to the end of said curve;

THENCE N47°16'06"W, 102.45 feet to a point in the south line of tract 3, being an interior corner of this tract;

THENCE S42°43'55"W, along the south line of tract 3, 513.51 feet to a point being the southwest corner of tract 3 and a southwest corner of this tract;

THENCE N48°16'22"W, along the west line of tract 3, 5056.28 feet to a point in the south right of way of F.M. 2187, for the most westerly corner of this tract;

THENCE N41°09'25"E, along the south right-of-way of F.M. 2187, 91.25 feet to the beginning of a curve to the right having a radius of 1850.03 feet, a central angle of 38°25'10" and a chord bearing N60°22'00"E - 1217.42 feet.

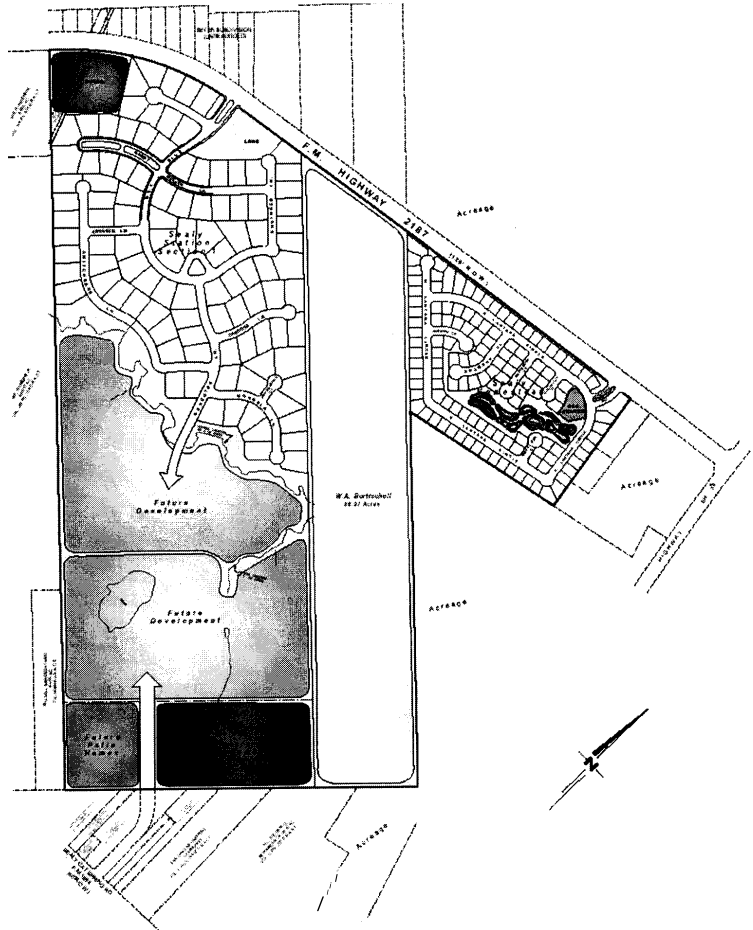
THENCE along said curve and the south right-of-way of F.M. Highway 2187, 1240.53 feet to the end of said curve;

THENCE N79°32'40"E, along said right-of-way, 592.14 feet to a point in the east line of tract 3 and the west line of tract 2, for an interior corner of this tract;

THENCE N48°16'22"W, along the east line of tract 3 and the west line of tract 2, across F.M. Highway 2187, 151.90 feet to a point in the north right-of-way of F.M. Highway 2187, for a corner of this tract;

THENCE N79°32'32"E, along the north right-of-way of F.M. Highway 2187, 536.40 feet to an angle point;

THENCE continuing N79°31'27"E, along said right-of-way, 368.32 feet to the **POINT OF BEGINNING** and containing 315.584 acres of land more or less.



SEALY STATION

TIRZ EXHIBIT

290.11 Acres of Land

HEARTLAND HOMES

SCALE: 1" = 100' DW
 TITLE: 10/20/2024
 SCALE: 10/20/2024
 DW
 (DATE: 10/20/2024)

THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE SUBMITTER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE SUBMITTER WARRANTS THAT THE INFORMATION PROVIDED HEREON IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE SUBMITTER RELEASES, DEFENDS, INDEMNIFIES AND HOLDS HARMLESS THE ENGINEER, ARCHITECT, AND ALL OTHER PROFESSIONALS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THEM BY ANY THIRD PARTY AS A RESULT OF THE SUBMITTER'S NEGLIGENCE, ACTIVE OR PASSIVE MISREPRESENTATION, OR OTHER BREACH OF CONTRACT OR TORTIOUS ACTS. THIS RELEASE AND WAIVER OF LIABILITY SHALL NOT BE LIMITED BY ANY STATE LAW THAT LIMITS THE ENFORCEMENT OF SUCH RELEASES AND WAIVERS OF LIABILITY.

EXHIBIT "G"
CITY OF SEALY
BOARDS AND COMMISSIONS POLICY
WORKFLOW

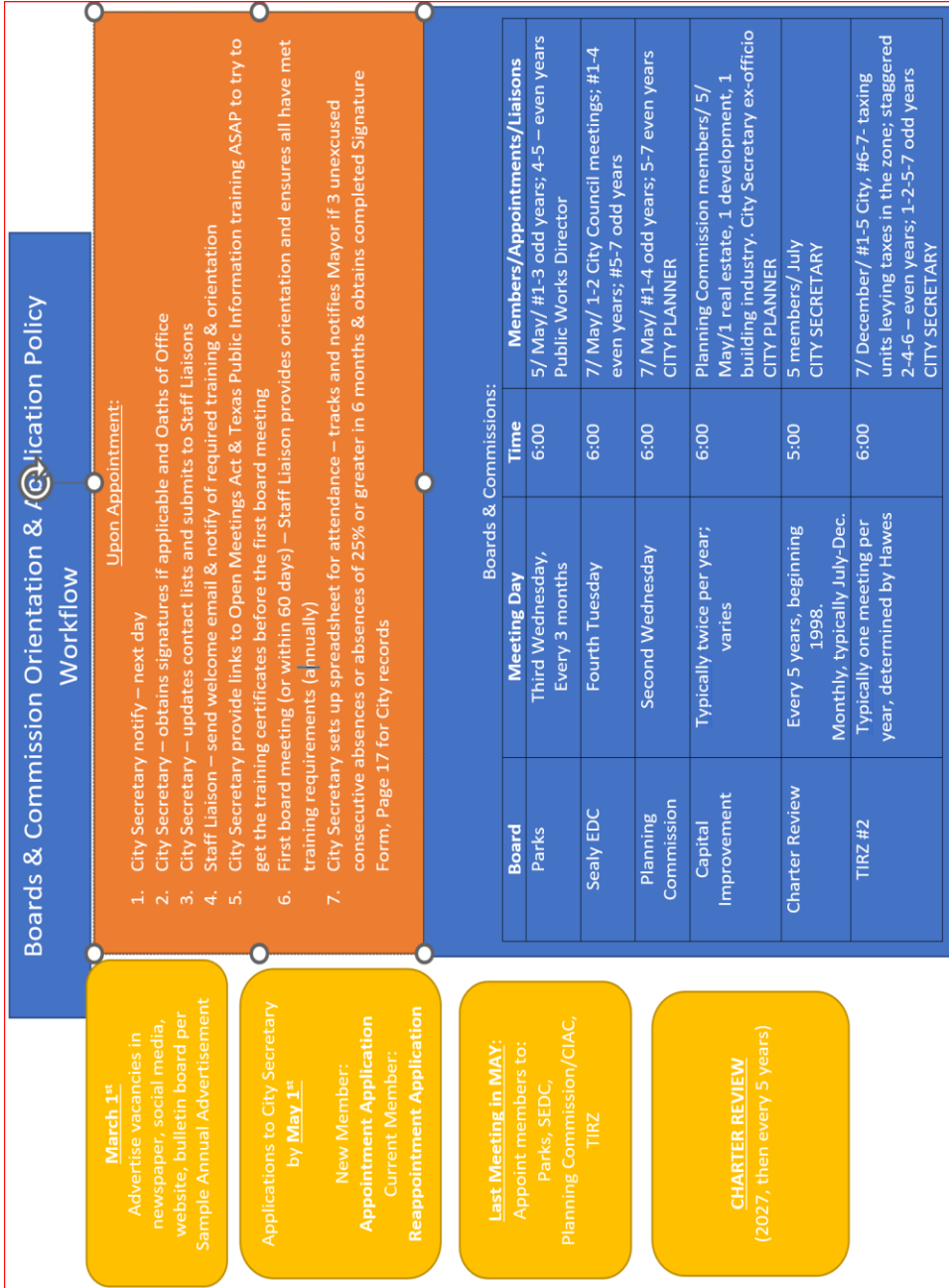


EXHIBIT "H"

ABSTENTION AND CONFLICT OF INTEREST AFFIDAVIT

CITY OF SEALY BOARDS AND COMMISSIONS POLICY

ABSTENTION AND CONFLICT OF INTEREST POLICY

EXHIBIT "H"

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF AUSTIN

I, _____, as a member of the _____ of the City of Sealy, Texas, make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by a vote or decision of the

_____ of the City of Sealy, Texas, as those terms are defined in Chapter 171 of the Local Government Code. The business entity or real property is:

The business entity or real property in which I have a substantial interest is: [name and address of business and/or description of property]

I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons [circle all that apply]:

- (1) own 10% or more of the voting stock or shares of the business entity;
- (2) own 10% or more of the fair market value of the business entity;
- (3) own \$15,000 or more of the fair market value of the business entity;

(4) receive from the business entity funds that exceed 10% of [my, his, her] gross income for the previous year;

(5) have/has an equitable or legal ownership of real property with a fair market value of \$2,500 or more.

(6) relative within the first degree of consanguinity or affinity has a substantial interest.

Upon the filing of this affidavit with the City Secretary for the City of Sealy, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity or real property and from any further participation in this matter whatsoever.

Signed this _____ day of _____, 20____.

Name

Title

BEFORE ME, the undersigned authority, this day personally appeared and by oath stated that the facts hereinabove stated are true and correct to the best of his/her knowledge or belief.

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Name and Title)

Notary Public in and for the State of Texas

CLEAN COPY



AGENDA ITEM NO: _____

Discussion and Possible Action regarding Amending Boards and Commissions Policy.

SUBMITTED BY: Kimbra Hill, City Manager

MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

In preparation for the orientation and annual training of board and commission members, the attached updates have been incorporated into the amended *Boards and Commissions Policy*. The purpose of these revisions is to establish a clear, consistent, and comprehensive framework that defines the roles, responsibilities, and expectations of all participants—ensuring alignment with City Council's goals, enhancing procedural transparency, and supporting informed, long-term decision-making by advisory bodies. The amended policy serves as a centralized reference resource to guide the effective operation, accountability, and governance of all boards and commissions.

- ✓ Updated the Staff Liaison titles (Ex. ~~City Planner~~ Assistant City Manager)
- ✓ Updated the Meeting Day and Time (Ex. Parks Board meets at 3:00 pm, not 6:00 pm)
- ✓ Updated the policy with the amended EDC Bylaws, approved May 9, 2024
- ✓ Refreshed the Purpose and Scope
- ✓ Updated the Table of Contents with accurate page number references
- ✓ Updated the Boards and Commissions Policy Workflow Chart
- ✓ Restructured the layout from paragraphs to bullet points
- ✓ Added a cover page
- ✓ Removed the sample vacancy advertisements
- ✓ Reorganized the placement of reference topics for better flow
- ✓ Expanded on the task list for Staff Liaisons and City Secretary
- ✓ Updated the individual boards and commissions overview pages – from paragraphs to bullet points
- ✓ Updated the Meeting Times Table
- ✓ Updated the Appointed Staff Liaison Table
- ✓ Updated the Orientation Checklist for Staff Liaison to reflect accurate page number references

In an effort to minimize the size of the packet and reduce printing and distribution costs, the redlined version of the amended policy has been provided separately. Only the final, clean version is included in your packet for review and consideration.

The Boards and Commissions Policy establishes a unified framework for the roles, responsibilities, and operations of all advisory bodies within the City of Sealy. It ensures consistency, transparency, and alignment with City Council's goals while clarifying roles and expectations for Council, staff, and appointed members. By consolidating guidance into one reference document, it supports informed decision-making, long-term planning, and efficient use of City resources.

Boards & Commissions Policy

City of Sealy

June 17, 2025



CITY OF SEALY
BOARDS AND COMMISSIONS POLICY
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CITY OF SEALY BOARDS AND COMMISSIONS POLICY

PURPOSE AND SCOPE

The purpose of this Boards and Commissions Policy is to establish a single, comprehensive reference framework that governs the operations of all advisory boards and commissions within the City of Sealy. This policy is intended to ensure consistency in governance, procedural clarity, and adherence to applicable City Ordinances and State law. uniform procedures for all advisory boards and commissions of the City.

By consolidating policies into one uniform document, the City aims to promote a high standard of accountability, facilitate transparency, and ensure alignment with the strategic goals and vision of the Sealy City Council. This unified approach eliminates the need for separate policies for each board or commission and provides a centralized, reliable source of guidance for all participants.

This policy also affirms the City's commitment to equipping each board and commission with tools, information, and procedural support necessary for effective performance. When members are well-informed and understand the broader goals of the City Council, it enhances communication, fosters a culture of civic responsibility, and supports thoughtful long-term planning and decision making.

The members who commit to considering, researching, reviewing, investigating, and performing due diligence before making recommendations to the City Council represent one of the community's most valuable tools. Their service is vital to ensuring a thorough, transparent, and responsible public process, and this policy is designed to support their efforts at every level.

MEMBER ELIGIBILITY

To be eligible for appointment to a City board or commission, an applicant must meet the following qualifications:

- Must be a qualified resident of the City of Sealy* for at least one (1) year prior to the date of the appointment (unless specified otherwise in this policy);
- Must be a qualified voter in the City of Sealy*
- Must be at least 21 years of age;
- May not apply to serve on the same board with any immediate family members; and
- Regular full-time City employees are not eligible unless required by federal, state or local laws or regulations; and
- Immediate family members of City employees may not apply to serve on City boards

**NOTE: TIRZ #2 Board may be subject to additional residence requirements*

RECRUITMENT AND ADVERTISEMENT OF VACANT POSITIONS

To ensure transparency and encourage public participation, the City of Sealy will actively advertise vacancies on boards and commissions with terms expiring on May 31st of each year. Advertising of vacancies will begin on or around March 1st. By the first week of March, the City Secretary will post information regarding available positions through multiple channels, including the City's website, Facebook page, or *The Sealy News*, inviting qualified individuals to apply.

Recruitment efforts may include, but are not limited to:

- Posting of notice on official City bulletin board;
- Posting of notice in *The Sealy News*;
- Publishing announcements on the City's website;
- Posting on the City of Sealy's official Facebook account;
- Outreach through recommendation

APPLICATION PROCESS

All eligible individuals seeking appointment to a City board or commission must follow the established application process.

- **New Applicants:**

Individuals applying for the first time must complete an ***Application for Appointment to City of Sealy Boards and Commissions*** form. This form must be submitted to the City Secretary by May 1st.

- **Current Members Seeking Reappointment:**

Incumbent members wishing to continue serving on their current board or commission must complete and submit a ***Request for Re-Appointment to City of Sealy Boards and Commissions*** form to the City Secretary by May 1st.

- **Current Members Seeking Appointment to a Different Board:**

If a current member wishes to be considered for a different board or commission, they must complete and submit a new ***Application for Appointment to City of Sealy Board and Commissions*** form for the desired position. The *Application for Appointment* form collects information about the applicant's background, including relevant work history, areas of expertise, and experience or knowledge related to the subject matter of the board they are applying to. Applicants are encouraged to submit a short bio or resume along with their application. Individuals may apply for more than one board.

The *Request for Re-Appointment* form is a shorter version used exclusively by current board members seeking another term. Like new applications, these forms must be submitted to the City Secretary's Office by the deadline.

SELECTION PROCESS

With the exception of the Charter Review Commission, the Mayor shall review all submitted applications and recommend appointments to City Council. Appointments will be confirmed by a majority vote of the City Council and are typically made by the last regularly scheduled Council meeting in May. If appointments are not finalized at that time, current members whose terms are expiring shall continue to serve until their successors are appointed and confirmed by Council.

TERM OF OFFICE

With the exception of the Charter Review Commission- which shall serve a six (6) month term- members of boards and commissions shall be appointed to two (2) year terms, unless otherwise specified by ordinance or bylaws. Terms shall be staggered, and all terms expire on May 31 of the applicable year. Members may be removed at any time by City Council. If an appointment is not made prior to the member's term expiration, the incumbent member shall continue to serve until their successor is appointed and confirmed by Council.

Term Limits:

A board member may not serve more than the maximum number of terms allowed under the relevant board's bylaws, resolution, or ordinance. After a minimum one (1) year absence from a board, Council may choose to reappoint a former member to the same board. Term limit enforcement will begin after the completion of terms that commenced prior to June 2020.

Council retains the right to remove or replace any appointed member at any time and for any reason. Appointments are for a defined purpose and time, and once a member's term ends and a successor is appointed, the member shall be considered excused from further service unless reappointed.

VACANCIES

Occasionally, a board member may be unable to finish their term or may be removed by City Council before their term ends. In such cases, Council may appoint a replacement to fill the unexpired portion of the term.

Any individual who previously served on a board may be eligible for reappointment, unless otherwise restricted by this Policy's term limitation provisions.

Instead of soliciting applicants for the vacancy, the Mayor may review previously submitted applications maintained by the City Secretary's Office. If no suitable candidates are available from existing applications, a new recruitment process may be initiated following the same procedures as the annual board appointment cycle.

MEMBER ORIENTATION & TRAINING

All board and commission members will receive an annual orientation session. The orientation will provide an overview of:

- General duties and responsibilities of the board or commission
- Role of the staff liaison
- Requirements of the Texas Open Meetings Act
- Requirements of the Texas Public Information Act
- Overview of Robert's Rules of Order
- Applicable ethics training

Annual training will be free of charge and must be completed once every calendar year to maintain eligibility for continued service. Board members who fail to comply with the training requirement may be deemed ineligible for re-appointment.

OATH OF OFFICE AND STATEMENT OF APPOINTED OFFICER

Members of boards or commission who are deemed public officers under state law must complete the Statement of Appointed Officer and take the Oath of Office upon appointment. The signed and notarized forms must be filed with the City Secretary's Office.

Authorized officials to administer the Statement and Oath include:

- The Mayor
- The City Secretary
- Any Notary Public

Boards and commissions subject to this requirement include:

- Planning Commission
- Sealy Economic Development Corporation Board of Directors

GENERAL DUTIES AND RESPONSIBILITIES OF BOARDS AND COMMISSIONS MEMBERS

Most boards and commissions serve in an advisory capacity, providing recommendations to City Council on matters related to their specific area of responsibility, established by ordinance, resolution, or governing bylaws.

Board or commission members shall:

- Focus on policy guidance and program recommendations
- Avoid involvement in the daily operations of the City or in personnel/employment matters
- Not receive or expect special privileges, project status, or confidential information beyond the scope of their board duties

Board and commissions Agenda Items:

Generally, the allocation of staff time, resources, and future agenda item requests is reserved for the implementation of City Council's established goals, priorities, and initiatives. Board and commission members are not intended to lead or direct City operations, but rather to review, inquire, research, and make informed recommendations to City Council, based on data, staff input, policy alignment, and compliance with City ordinances and State law. The subject matter of current and future agendas is determined by Council direction or by legal requirements set forth in State law. Board and commission member advisory service is vital to ensuring a thorough, transparent, and responsible public process, and this policy is designed to support their efforts at every level.

Board and commissions member Attendance at Meetings:

Appreciation of Service

City Council values the dedication and Service of community members who volunteer their time to serve City boards and commissions. Each decision made by these boards impacts the well-being, future growth and development, and quality of life and amenities in the community. The integrity and functionality of the bodies depend on consistent attendance and participation.

Attendance Expectations

To ensure effective governance and uphold public trust, regular attendance at all board and commissions meetings is mandatory. Any member who is unable to attend a meeting must notify the Staff Liaison or City Secretary's Office in advance of the scheduled meeting.

Attendance Violations and Consequences

The following attendance issues shall be considered neglect of duty and may result in removal from position:

- Three (3) consecutive absences from a board's regular meetings
- Absence from more than twenty-five percent (25%) of the meetings in any six (6) month period

Exemptions

Absences may be excused if due to unusual circumstances beyond the member's control, such as personal illness or illness of an immediate family member

Monitoring and Enforcement

The City Secretary's Office shall track attendance and report any excessive absences to the Mayor. The Mayor will review each case to determine if a recommendation to City Council for removal is deemed appropriate.

ROLE OF STAFF LIAISONS

A City staff member shall be assigned as a liaison to each board or commission to ensure administrative support, technical guidance, and alignment with City Council's goals and directives.

The primary responsibilities of the staff liaisons

- Notify new board members of their appointment to the board
- Coordinate annual orientation to members with Department Head & City Secretary
- Prepare meeting materials
 - Draft agenda for all meetings
 - Prepare staff reports and supportive documents
 - Keep the members updated and informed on relevant projects
 - Offer technical data and background information relevant to agenda items
- Facilitate Board Understanding
 - Ensure that board members understand City Council's goals and vision for the community
 - Provide and reference when applicable:
 - City Ordinances
 - Minimum Construction Standards
 - Capital Improvement Plan
 - Texas Local Government Code
 - Bylaws
 - Other relevant policies or regulations
- Support Council Objectives specific to each board's role and function

Communication and Representation

The staff liaison shall act as a conduit between City Council and the board or commission by attending all meetings conducted by the assigned board and presenting and discussing factual information related to matters being considered by the board.

The staff liaison will ensure that the board understands Council's goals and vision for the community, and refers to the Ordinances, Minimum Construction Standards, Texas Local Government Codes and bylaws, and so forth as applicable, that govern the agenda item topics presented for board consideration, in compliance with Council's directive and objectives for each board.

ROLE OF CITY SECRETARY

Meeting Administration & Other Administrative Responsibilities

The City Secretary or designee is responsible for:

- Posting notices of meetings for all boards and commissions
- Ensuring meeting minutes are timely prepared and maintained
- Ensuring public hearing notices and legal posting are completed in accordance with applicable law and policy
- Upon annual appointment of new members, create new member rosters and provide them to staff liaisons to distribute to all board members
- Maintaining attendance records
- Notify the Mayor of:
 - Three (3) consecutive excused absences
 - Absences of 25% or more of scheduled meetings within a six-month period
 - Ensuring:
 - Public notice of board vacancies is advertised in accordance with policy
 - Accurate records of board member terms and term limits are maintained

Board Orientation and Member Training

The City Secretary or designee will:

- Participate in and coordinate annual orientation presentations with staff liaisons
- Upon annual appointment: Inform all members regarding the annual training requirement and provide links to the training materials
- Use Form Page 17 to track and maintain records verifying completion of annual training requirements:
 - Texas Open Meetings Act
 - Texas Public Information Act

Compliance and Officer Administration

The City Secretary or designee will also:

- Ensure newly appointed officers take oaths of office
- Verify that agenda items include provisions for the nomination and election of officers in accordance with applicable ordinances
- Confirm that all meetings are conducted in compliance with the Texas Open Meetings Act and City policy

Additional Appointments

- Staff Liaison to the Charter Review Commission
- Ex-officio (non-voting) member of the Capital Improvements Advisory Committee (CIAC)

CONFLICTS OF INTEREST

Any board member shall comply with the requirements of Chapter 171 and Chapter 573 of the Texas Local Government Code with respect to conflicts of interest. It is the responsibility of each member of these boards to file a "Abstention and Conflict of Interest" affidavit ([Exhibit G](#)) with the City Secretary's Office when a conflict exists because he or she has a substantial interest in a matter being considered by the board. Substantial interest means the individual:

1. Owns 10% or more of the voting stock or shares of the business;
2. Owns either 10% or more than \$15,000 of the fair market value of the business;
3. Receives funds from the business that exceeds 10% of the person's gross annual income for the preceding year;
4. Ownership in real property with a fair market value of \$2,500 or more, or
5. Relative within the first degree of consanguinity or affinity has a substantial interest.

Advisory board members shall abstain from participation in a matter when a personal interest creates or gives the appearance of being a conflict of interest. However, the majority of members of the same advisory board have similar conflicts of interest in the same matter under consideration by the board, such members are not required to abstain from participating or voting on the matter.

MEMBERSHIP ON MULTIPLE BOARDS

If a member is serving on more than one board, the member, before discussing and/or voting on a decision that involves funding which impacts matters specific to another board's duties and responsibilities on which said member serves, shall verbally disclose his/her membership on any other board impacted by the funding decision to the other board members in attendance at the meeting. Said member may fully participate in the discussion and vote on the decision involving funding after disclosing his/her membership on any other board impacted by the funding decision.

CONDUCT OF MEETINGS

- A. The Chair of each board shall preside at the meetings and in his or her absence the Vice-Chair shall preside. The Chair shall call the meeting to order.
- B. The Chair shall address the posted items on the agenda in the order posted; however, items may be addressed out of order as long as a motion is made, seconded, and receives approval by majority vote.
- C. A motion may be made by any member other than the presiding officer. A second to the motion is required before a vote can be taken. Any motion dies for a lack of a second.
- D. Agenda items discussed and considered by the board may be disapproved only for legal reasons. The valid legal reason must be cited in the motion.
- E. Roberts Rule of Order shall be used as a guideline to conduct meetings.
- F. All meetings will be held in compliance with the Open Meetings Act ("The Act") and shall be open to the public, except for those items considered in a meeting which are authorized by the Act to be discussed in executive session.
- G. Request for future agenda items, if included, must be relevant to further examination of an existing agenda item

BOARDS AND COMMISSIONS MEETING TIMES

Board/Commission	Meeting Day	Meeting Time	Members/Appointments
Parks Board	Third Wednesday, every 3 months	3:00 pm	5 members; May; 1-3 even / 4-5 odd
Sealy Economic Development Corporation	Fourth Tuesday each month	6:00 pm	7 members; May; 1 or 2 City Council; 1-4 even years/5-7 odd years
Planning Commission	Second Wednesday each month	6:00 pm	7 members; May; 1-4 odd/5-7 even years
Capital Improvements Advisory Committee	Twice per year, typically in June & December	6:00 pm, after Planning Commission	Planning Commission members, a minimum of 5 members; 1 real estate, 1 development, 1 building industry & City Secretary ex-officio
Charter Review Commission	Monthly and typically, June – November, every 5 years	5:00 pm	5 members; May every 5 years
Tax Increment Reinvestment Zone #2	Typically, once per year, on an as needed basis	6:00 pm	7 members; May 1-5 City; 6 & 7 for taxing units levying taxes in the zone; staggered years 2-4-6 even years/1-3-5-7 odd years

APPOINTED STAFF LIAISON TO BOARDS AND COMMISSIONS

Parks Board	Public Works Parks/Streets/Facilities Admin
Economic Development Corporation	Executive Director of SEDC
Planning Commission/ CIAC	Assistant City Manager
Charter Review Commission	City Secretary
TIRZ #2	Finance Director

BOARDS AND COMMISSIONS ORDINANCE(S) AND BYLAWS EXHIBITS OVERVIEW

Parks Board (EXHIBIT "A")

Ordinance 2023-21, Ordinance 2020-08, Ordinance 2018-06; Term: 2 years; no term limit

Parks Board Staff Liaison

- The **Public Works Parks/Streets/Facilities Administrator**, under the direction of the **Public Works Director**, will serve as the staff liaison to the Parks and Recreation Board

Parks Board Responsibilities

The Parks Board serves in an advisory capacity to:

- Solicit funds, donations, and bequests for park acquisitions, additions, and improvements
- Promote and stimulate public interest in parks and recreational programs
- Assist in the planning and operation of the City's parks and recreation system
- Review and monitor existing operations, and recommend improvements to better utilize existing facilities
- Make recommendations to attract, retain, and facilitate sports events, tournaments, and sports organizations in Sealy
- Advise City Council on matters related to current and future sports event programming in the City
- Advise and assist City Council in creating effective citywide policies for litter prevention and beautification programs at city parks and recreation facilities

Parks Board Composition

- The Board consists of five (5) members
- The City Manager serves as an ex-officio (non-voting) member

Parks Board Member Qualifications

Members should have knowledge or experience in the following areas:

- City parks and annual community events
- Local community boards, foundations, and leagues that support parks and recreation preservation and improvement
- Community stakeholder engagement
- Landscaping, horticulture, and maintenance and preservation of facilities

Parks Board Term Structure

- **Positions 1, 2, and 3:** Terms end in even-numbered years
- **Positions 4 and 5:** Terms end in odd-numbered years

Sealy Economic Development Corporation Board of Directors (EXHIBIT "B")

No Ordinance. Bylaws approved by EDC 4/23/24 & amended by City Council on 5/9/24; Term: 2 years; no term limit

SEDC Staff Liaison

The **Executive Director of the Sealy Economic Development Corporation (SEDC)** will serve as the staff liaison to the Board and is responsible for the administration of the affairs of the Corporation.

SEDC Board Responsibilities

The Board serves in an advisory and managerial capacity to:

- Promote economic and community development within and on behalf of the City of Sealy
- Develop, implement, provide, and finance projects as defined in Section 4B of the Development Corporation Act of 1979, now codified in Chapters 501–505 of the Texas Local Government Code
- Manage and control the property and affairs of the Corporation
- Assist in ensuring that:
 - The strategic plan
 - Business recruitment goals
 - Business retention plan
 - Community amenities and infrastructure improvements/expansions meet the long-term vision of the City of Sealy
- Ensure alignment with the City's:
 - Comprehensive Plan
 - Capital Improvement Plan
- Carry out additional powers and duties as dictated by the SEDC Bylaws

SEDC Board Composition

- The Board consists of seven (7) members
- The Board possesses all powers (expressed and implied) granted by:
 - Texas Local Government Code, Chapter 501, et seq.
 - Texas Non-Profit Corporation Act
- The Corporation operates in accordance with:
 - State law
 - Its Articles of Incorporation
 - Its Bylaws

SEDC Officers

- Officers of the Corporation include:
 - President
 - Vice President
 - Secretary
 - Treasurer
- Officers are elected annually by the Board at the regular meeting in June

SEDC Board Member Qualifications

Members should be knowledgeable in:

- Economic development
- Finance
- Community development
- Tourism

Members should also be familiar with:

- The City of Sealy's Comprehensive Plan
- The Capital Improvement Plan
- The Major Thoroughfare Plan
- The City's infrastructure systems

SEDC Board Meeting Schedule

- The Board holds a regular meeting once per month, on the fourth Tuesday
- Regular meetings are held:
 - Within the City of Sealy
 - At the principal offices of the Corporation or
 - At such other location as designated by the Board

SEDC Special Meetings

- May be called at the request of:
 - The President, or
 - Any two (2) Directors, in accordance with SEDC Bylaws

Planning Commission (EXHIBIT "C")

Ordinance No. 2014-21, Ordinance 1993-12; Term: 2 years; no term limits

Planning Commission Staff Liaison

The **Assistant City Manager**, who serves as the **City's Planner**, will act as the **staff liaison** to the Planning Commission.

Planning Commission Responsibilities

The Planning Commission serves in an advisory capacity to the City Council, as provided by State law and the City of Sealy Code of Ordinances, to:

- Guide and direct future growth and development of the City through recommendations related to the municipal comprehensive plan
- Engage in planning studies and develop plans for public improvements, including:
 - Streets
 - Drainage and/or flood control
 - Utilities
 - Parks
 - Other public infrastructure
- Make recommendations to City Council to:
 - Approve or disapprove land subdivision plats or re-plats
 - Vacate plats or re-plats
 - Approve or disapprove variance requests
 - Create, amend, and implement long-range plans, programs, and policies that affect public safety, health, and well-being
- Hold public hearings when required by State law
- Perform other duties and responsibilities as referred by the City Council

Planning Commission Composition

- The Commission consists of seven (7) members
- The Commission shall elect a chairman and vice-chairman from among its members

Member Qualifications

Members should be knowledgeable in:

- Real estate
- Development
- General construction

The following licensed professionals in the State of Texas are encouraged as candidates:

- Electricians
- Plumbers
- Engineers

Additionally, members should have:

- Knowledge of the City of Sealy Ordinances
- Familiarity with the City's Comprehensive Plan
- An overall understanding of the City's long-range planning vision and the impact on infrastructure, safety, and community well-being

Capital Improvements Advisory Committee (EXHIBIT "D")

Resolution 2018-29. The City's Planning Commission shall act as the Capital Improvement Advisory Committee as provided by Section 395.058 of the Local Government Code.

Term: 2 years

Capital Improvement Advisory Committee (CIAC) Staff Liaison

The **Assistant City Manager**, who also serves as the **City's Planner**, will serve as the **staff liaison** to the CIAC.

The **City Secretary** serves as an **ex-officio (non-voting)** member of the committee.

CIAC Membership Requirements

As governed by Texas Local Government Code §395.058:

- The Committee must consist of no fewer than five (5) members
- Members are appointed by a majority vote of the City Council
- At least 40% of members must be representatives of the real estate, development, or building industries who are not employees or officials of any political subdivision or governmental entity
- If the Planning Commission includes at least one qualifying industry representative (not affiliated with a governmental entity), the Commission may serve as the CIAC

CIAC Responsibilities

The Capital Improvements Advisory Committee serves in an advisory capacity to the City Council, focusing on long-term growth and infrastructure planning. The Committee shall:

- Advise and assist the Council in adopting land use assumptions
- Review the Capital Improvements Plan (CIP)
- Monitor the implementation of the CIP and file written comments
- Submit semiannual reports to the Council regarding the progress of the plan
- Advise the Council on the need to update or revise:
 - Land use assumptions
 - Capital Improvements Plan
 - Impact fees

Council Responsibilities to the CIAC

- Provide the Committee access to professional reports related to the development and implementation of the CIP
- Adopt procedural rules for the Committee to follow in performing its duties

Charter Review Commission (EXHIBIT "E")

Code of Ordinances, Article IX, Section 9.13

Term: 6 months, may be extended (per Proposition 5 Amendment)

Charter Review Staff Liaison

The **City Secretary** will serve as the **staff liaison** to the Charter Review Commission.

Charter Review Commission Purpose

The Charter Review Commission serves in an advisory capacity to the City Council for the purpose of:

- Reviewing the operation of City government under the current Charter provisions
- Identifying provisions of the Charter that may require revision or update
- Making formal recommendations to the City Council regarding proposed charter amendments

Commission Appointment and Term Cycle

- The Charter Review Commission is appointed every five (5) years
- Past Charter amendments were adopted on:
 - May 22, 2006
 - May 10, 2014
 - May 6, 2017
 - May 7, 2022
- The next scheduled appointment is in 2027, to prepare for proposed amendments for the May 2027 election
- After 2027, the Commission will continue to be appointed every five years

Commission Composition

- The Commission will consist of **five (5) citizens** of the **City of Sealy**
- Members must be **residents of Sealy**, selected for their commitment to public service and understanding of city governance

Sealy Development Authority/Tax Increment Reinvestment Zone #2

(EXHIBIT "F")

Ordinance 2005-01; Term: 2 years; no term limit

Tax Increment Reinvestment Zone (TIRZ) Staff Liaison

The **Finance Director** will serve as the **staff liaison** to TIRZ Board #2.

TIRZ Board #2 Responsibilities

The TIRZ Board #2 serves in an advisory and administrative capacity to the City Council. The Board is responsible for:

- Making recommendations to the City Council concerning the administration of the Tax Increment Reinvestment Zone (TIRZ)
- Preparing (or causing to be prepared) and adopting a:
 - Project Plan
 - Reinvestment Zone Financing Plan
- Submitting the plans to the City Council for approval

TIRZ Board #2 Composition

- The Board consists of **seven (7) members**

TIRZ Board #2 Position Allocation

- **Positions 1–5:** Reserved for **City of Sealy** representatives
- **Positions 6–7:** Reserved for **citizens of the taxing units** levying taxes within the TIRZ



**CITY OF SEALY
BOARDS AND COMMISSIONS POLICY**

SIGNATURE PAGE

I HAVE A RESPONSIBILITY TO PROTECT THE INTEGRITY OF OUR GOVERNING PROCESS AND THEREFORE HAVE READ AND AGREED TO THE ABOVE GUIDELINES.

BY AFFIXING MY SIGNATURE, I ACKNOWLEDGE THAT I WILL ABIDE BY THE CITY OF SEALY CITY BOARDS AND COMMISSIONS POLICY AND PROCEDURE.

Printed Name

Signature

Date

Participated in Orientation on date of: _____

Completed Open Meetings Act training on date of: _____

Completed Public Information Act training on date of: _____



BOARDS AND COMMISSIONS POLICY

RESPONSIBILITIES OF BOARDS AND COMMISSIONS MEMBERS

To be selected as a City board or commission member is a high honor and provides an unusual opportunity for genuine public service. Although specific duties of each vary with the purpose for which they are formed, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

1. Understand the role and scope of responsibility, serving at the pleasure of City Council, in an advisory capacity to make recommendations on issues specific to the board's duties and responsibilities. Be informed of the individual board or commission's scope of responsibility and operating procedures.
2. Members are required to complete training on the Public Information Act and Open Meetings Act and submit a certificate of completion, preferably prior to performing any official duties as a board and commission Member, but not greater than within 60 days of appointment to board.
3. Be careful to represent the majority views of your individual board or commission. Individual "opinions" to the public and press are discouraged and, if given, should be identified as such.
4. Members should represent the public interest and not special interest groups.
5. Members are in a unique position of serving as a liaison between the City and the citizens and can help to reconcile contradictory viewpoints and to build a consensus around common goals and objectives.
6. Do your homework and be thorough in recommendations. View situations under consideration prior to the meeting in order to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on careful preparation will strengthen the value of the group's recommendation.
7. Supportive relationships with the City Council and City staff are basic for successful operation of any board or commission. In contacting City personnel on items of consideration, the proper channel is through the designated City staff liaison providing staff support for your group. Board members may not become involved in the daily operation of the City or in personnel or employment matters, nor be granted special privileges or project status and information outside of their responsibilities as board members.
8. Establish a good working relationship with fellow group members. Respect individual viewpoints, allow other members time to present their views fully before making comments, be open and honest, welcome new members and strive to minimize political action on issues.
9. Council appointments to boards and commissions are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members should not use or involve their membership in the conduct of political activities.



APPLICATION FOR APPOINTMENT TO CITY OF SEALY

BOARDS OR COMMISSIONS

(Use this form for new applicants who are not currently serving)

APPLICATION FOR APPOINTMENT TO CITY OF SEALY BOARDS AND COMMISSION

The City Council will use this application for their selection of individuals for appointments to specific boards and commissions that were established to assist and advise the City Council on specific issues.

- All information provided in this application is public information pursuant to the Texas Public Information Act
- All individuals appointed to serve on a board or commission will be required to complete training relative to the Texas Open Meetings Act and Texas Public Information Act

Name: _____

Phone Numbers: (Home) _____ (Mobile) _____

Residential Address: _____

Email: _____

Business Address: _____

Business Telephone: _____

Do you live inside the city limits of Sealy? _____ Yes _____ No

If so, how many years? _____

Are you registered to vote in the City of Sealy? _____ Yes _____ No

If no,

Do you live in the extra territorial jurisdiction of the City of Sealy? _____ Yes _____ No

Do you live in Austin County? _____ Yes _____ No

Are any immediate family members employed by the City of Sealy? _____ Yes _____ No

If yes, please specify: _____

Do any immediate family members serve on boards or commissions in the City of Sealy?

_____ Yes _____ No; If yes, please specify: _____

Indicate the following Boards and Commissions you are interested in serving on:

(Please indicate Yes or No and rank preference by number with 1 being the group in which you are most interested)

Name of Board/Commission	Yes	No	Rank
Economic Development Corporation			
Parks Board			
Planning Commission & Capital Improvement Advisory Committee			
Charter Review Commission (every 5 years, next appointment in 2027)			
Tax Increment Reinvestment Zone (TIRZ) #2			

Occupation/Areas of Expertise: _____

Work experience applicable to the City board or commission for which you are applying:

Have you attended a City Council meeting? _____ Yes _____ No

Have you attended a board or commission meeting for which you have applied?
 _____ Yes _____ No

Do you have knowledge/training regarding the applied board or commission?
 _____ Yes _____ No

List any specific knowledge/training/experience that qualifies you to serve in the position(s) indicated:

Do you have knowledge/expertise in any of the following areas?
 Please check all that apply:

AREA OF KNOWLEDGE/EXPERTISE	YES	NO	Staff Use Only:
Real Estate/ Development			P,S
Manufacturing/ Industrial Operations			P,S
Business Development			P,S
Law/ Contractual Administration			S, T, CR
Building/ Construction			P, S
Banking/ Finance			S
Promotion/ Marketing			S, Parks
Business Management			S, MS
Strategic Planning/ Project Management			P, S
Event Planning/ Tourism/ Sporting Events			Parks
Landscape/ Horticulture			Parks
Historic Preservation			Parks

Do you currently serve on other board or commission at this time? ____Yes ____No

If so, which board or commission? _____

Do you have any business or personal relationship with the City of Sealy that would affect your ability to have impartial judgement in City matters? ____Yes ____No

If yes, please explain:

What do you hope to contribute to the community by serving on the board or commission to which you applied?

List any civic, community, or volunteer activities with which you have been involved that you feel should be considered:

I understand that if any member of the public makes a request for information included in the application for appointment, it must be disclosed under the Public Information Act. I also understand that it may not be legally possible to maintain the confidentiality of such information, and I hereby release the City of Sealy, and its agents, employees and officers from any and all liability whatsoever if the information must be released pursuant to the Public Information Act.

I swear that all of the statement in my application are true and correct. I hereby affirm that I am aware of the requirement of the position and certify that I meet those requirements.

Applicant Signature

Date

All applications must be signed and submitted to the City Secretary. If there are no vacancies at the time of submittal, all applications are kept two (2) years from receipt of the application and will be destroyed as mandated. Please call (979) 885-3511 or email svrablec@ci.sealy.tx.us any questions to the City Secretary's office.

Submit applications by mail to:

City of Sealy

P. O. Box 517

Sealy, Texas 77474

Or email application to:

svrablec@ci.sealy.tx.us



**APPLICATION FOR REAPPOINTMENT
TO SERVE ON A CITY OF SEALY
BOARD OR COMMISSION**

(Use this form when the applicant is currently serving)

REQUEST FOR REAPPOINTMENT TO CITY OF SEALY BOARDS AND COMMISSIONS

The City Council will use this application for their selection of individuals for appointments to specific boards and commissions that were established to assist and advise the City Council on specific issues.

- All information provided in this application is public information pursuant to the Texas Public Information Act
- All individuals appointed to serve on a Board or Commission will be required to complete training relative to the Texas Open Meetings Act and Texas Public Information Act

Name: _____

Phone Numbers: (Home) _____ (Mobile) _____

Residential Address: _____

Email: _____

Business Address: _____

Business Telephone: _____

Do you live inside the city limits of Sealy? _____ Yes _____ No

If so, how many years? _____

Are you registered to vote in the City of Sealy? _____ Yes _____ No

If no,

Do you live in the extra territorial jurisdiction of the City of Sealy? _____ Yes _____ No

Do you live in Austin County? _____ Yes _____ No

Are any immediate family members employed by the City of Sealy? _____ Yes _____ No

If yes, please specify: _____

Do any immediate family members serve on boards or commissions in the City of Sealy?

_____ Yes _____ No; If yes, please specify: _____

Indicate the following Boards and Commissions you are currently serving on, and those you are interested in serving on in addition to your current Board or Commission:

(Please indicate Yes or No and rank preference by number with 1 being the group in which you are most interested)

Name of Board/Commission	Currently	Additionally	Rank of Interest/Request
Economic Development Corporation			
Parks Board			
Planning Commission & Capital Improvement Advisory Committee			
Charter Review Commission <i>(every 5 years, next appointment in 2027)</i>			
Tax Increment Reinvestment Zone (TIRZ) #2			

In the appropriate line, please indicate what year you began serving on the above indicated boards or commissions, and the number of terms:

Name of Board/Commission	Member Since (Year)	Number of Terms
Economic Development Corporation		
Parks Board		
Planning Commission & Capital Improvement Advisory Committee		
Charter Review Commission		
Tax Increment Reinvestment Zone (TIRZ) #2		

If you are applying to serve on an additional board or commission, please explain what you hope to contribute to the community by serving on the board or commissions to which you applied?

I understand that if any member of the public makes a request for information included in the application for appointment, it must be disclosed under the Public Information Act. I also understand that it may not be legally possible to maintain the confidentiality of such information, and I hereby release the City of Sealy, and its agents, employees and officers from any and all liability whatsoever if the information must be released pursuant to the Public Information Act.

I swear that all of the statement in my application are true and correct. I hereby affirm that I am aware of the requirement of the position and certify that I meet those requirements.

Applicant Signature

Date

All applications must be signed and submitted to the City Secretary. If there are no vacancies at the time of submittal, all applications are kept two (2) years from receipt of the application and will be destroyed as mandated. Please call (979) 885-3511 or email svrablec@ci.sealy.tx.us any questions to the City Secretary's office.

Submit applications by mail to:

City of Sealy
P. O. Box 517
Sealy, Texas 77474

Or email application to:

svrablec@ci.sealy.tx.us

CITY OF SEALY BOARDS AND COMMISSIONS POLICY

ABSTENTION AND CONFLICT OF INTEREST POLICY

Board and commission members who are present at any board or commission meeting shall vote, and have their votes recorded in the minutes, upon every item requiring action. In the event the vote involves the member's conduct or a conflict of interest, the member shall abstain from voting and the reasons for such abstention shall be noted in the minutes of such meeting

Should any member of a board or commission choose to abstain from voting on any question before the board or commission, and no declared conflict of interest exists, such abstention shall be recorded in the official minutes of the meeting and shall count as a vote against the motion pending before the board or commission.

If a member of the board or commission, or a person related to such board or commission member in the first degree by consanguinity or affinity, as determined under Chapter 573, Texas Government Code, has a substantial interest in a business entity or in real property, the board or commission member shall file, before a vote or decision on any matter involving such business entity or real property, an affidavit stating the nature and extent of such interest and shall abstain from further participation in the matter if:

1. in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the City Secretary.

If a board or commission member is required to file and does file an affidavit hereunder, said board or commission member shall not be required to abstain from further participation in the matter requiring the affidavit if a majority of the board or commission is composed of members who are likewise required to file and who do file affidavits of similar interests on the same official action.

A sample affidavit is attached per Exhibit "H".



CITY OF SEALY

BOARDS AND COMMISSIONS POLICY

ORIENTATION CHECKLIST FOR STAFF LIAISON

- Appointment to board approved by Council on (Date)_____
- Assemble board members, City Secretary, and Department Head to attend annual orientation
- Orientation Agenda/Packet should include:
 - A. **Policy Page 22** – Responsibilities of Boards and Commissions Members
 - B. Review of Orientation & Application Policy for Boards and Commissions, specific to board or commission:
 - Term of Office, as established by Ordinance, Bylaws, or Texas Local Government Code. If a new member is filling a vacancy, identify the remainder of unexpired term
 - Furnish members with contact information for all board members
 - Furnish members with Ordinance, Bylaws or Texas Local Government Code that establishes their powers and duties
 - Each staff member, who will participate in board or commission process or meetings, in any capacity, should be introduced to the board and allowed to make a presentation as desired
 - City Secretary should inform members of their annual responsibility to complete training in Texas Open Meetings Act, Texas Public Information Act, and provide an overview of Robert's Rules of Order. Board and commission members may be requested to complete certain ethical training. The City Secretary should provide the members with options and access to complete the training
 - General Duties and Responsibilities specific to board or commission (**Page 8**)
 - Provide an overview of board's primary purpose, types of agenda items and topics of discussion, how their areas of expertise can be applied to result in final recommendations to City Council
 - Attendance requirements (**Pages 8-9**) and advance notice of absences to be reported to the City Secretary
 - Review Conflicts of Interest (**Page 12**) and requirement to complete Abstention and Conflict of Interest affidavit as applicable, including recusing self from discussions when necessary
 - Review Conduct of Meetings and Meeting Times (**Pages 13-14**)

EXHIBIT "A"

PARKS BOARD

Ordinance 2023-21
(Pending codification)

ORDINANCE NO. 2023-21

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, AMENDING SUBSECTION 70-32(A) OF SECTION 70-32 OF ARTICLE II OF CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF SEALY, TEXAS; PROVIDING RULES AND REGULATIONS FOR THE PARKS BOARD; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council finds that the terms of the Parks Board needs to be changed to ensure a quorum can be established to conduct city business;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

SECTION 1. The facts and recitations contained in this preamble to this Ordinance are true and correct and incorporated herein for all purposes.

SECTION 2. Subsection 70-32(a) of Section 70-32 of Article II of Chapter 70 is amended to read as follows:

"CHAPTER 70 – PARKS AND RECREATION

* * * * *

ARTICLE II. – PARKS BOARD

* * * * *

Sec. 70-32. - Terms of members; filling of vacancies; removal.

(a) The terms of the members of the parks board shall be for two years and shall be as follows:

- (1) The terms of positions one, two and three shall end in even-numbered years.
- (2) The terms of positions four and five shall end in odd-numbered years."

SECTION 3. *Repeal:* All ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 4. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the

same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 5. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon second reading and enforceable when published as required by law.

PASSED AND APPROVED at this first reading on the 20th day of June 2023.

PASSED AND APPROVED at this second reading on the 5th day of July 2023.

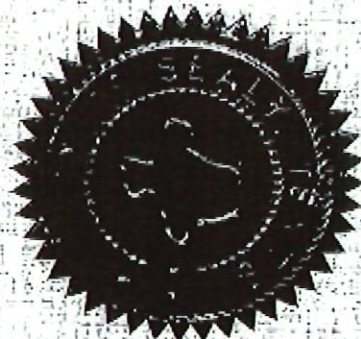


Carolyn Bilski, Mayor

ATTEST:



Sandra Vrabec, City Secretary



ARTICLE II. PARKS BOARD¹

Sec. 70-31. Created; membership.

There is created and established a parks board in and for the city. The parks board shall consist of five members, who shall be appointed by the mayor, subject to confirmation by the city council. Members of the parks board shall serve without compensation, and each shall be a resident of the city. The city manager shall be an ex officio member of the board.

(Ord. No. 95-18, § 1, 10-11-1995; Ord. No. 99-16, § 1, 11-10-99; Ord. No. 2007-02, § 1, 7-11-2007; Ord. No. 2018-06, § 1, 2-27-2018; Ord. No. 2020-08, § 2, 8-4-2020)

Sec. 70-32. Terms of members; filling of vacancies; removal.

- (a) The terms of the members of the parks board shall be for two years and shall be as follows:
 - (1) The terms of positions one, two and three shall end in odd-numbered years.
 - (2) The terms of positions four and five shall end in even-numbered years.
- (b) The terms of such members shall continue until their successors have been appointed and confirmed. In the event of death, resignation or removal, appointments shall be for the balance of the term of the position.
- (c) Three unexcused absences of any member from any regular meetings of the parks board shall, at the discretion of the mayor, render any such member liable for immediate removal from office.

(Ord. No. 95-18, § 2, 10-11-1995; Ord. No. 99-16, § 2, 11-10-99; Ord. No. 2007-02, § 2, 7-11-2007; Ord. No. 2018-06, § 2, 2-27-2018; Ord. No. 2020-08, § 2, 8-4-2020)

Sec. 70-33. Organization.

The parks board shall organize by electing from their membership a chairman, a vice-chairman and a secretary, each of whom shall hold office for one year or until his successor shall have been elected. A majority of the members of the parks board shall constitute a quorum for the transaction of its business. The parks board may adopt its own rules of procedure for the conduct of its business, subject to the approval of such rules by the city council. The parks board shall keep a record of its proceedings and shall file the record with the city secretary.

(Ord. No. 95-18, § 3, 10-11-1995)

Sec. 70-34. Purposes.

The parks board shall serve in an advisory capacity to the city council regarding policy matters pertaining to city parks, sporting events, recreation, litter prevention, waste reduction and beautification programs. The parks board shall have the following specific purposes:

- (1) Solicit funds, gifts and bequests for park acquisitions, additions and improvements.
- (2) Review and make advisory recommendations to the city council on proposed park acquisitions, additions and improvements.
- (3) Review and make advisory recommendations on parks and recreation matters submitted by the director of public works or the city council.
- (4) Promote and stimulate public interest in parks and recreational programs, and assist in solicitation of the cooperation of public and private agencies that may have a direct or indirect involvement in parks and recreation.
- (5) Review and make advisory recommendations to the city council on changes, modifications and amendments to parks and recreation policies of the city.
- (6) Attract, retain, and facilitate sports events, tournaments, and organizations in Sealy, thereby helping our city realize the economic, social and community-building benefits of sports.
- (7) Advise the city council on matters related to current and future sports events in the city.
- (8) Advise, support, and collaborate with organizations within the community to attract sports tournaments and sports tourism to the city.
- (9) Advise the city council on whether adequate and appropriate facilities exist for current and future sports events and tournaments.
- (10) Advise and assist the city council on creating effective citywide policies for litter prevention, beautification programs, and waste reduction in the city.

(Ord. No. 95-18, § 4, 10-11-1995; Ord. No. 2018-06, § 2, 2-27-2018)

Sec. 70-35. Limitation of powers.

The parks board shall have no right, power or authority to obligate or bind the city in any manner whatsoever.

(Ord. No. 95-18, § 5, 10-11-1995)

Secs. 70-36—70-65. Reserved.

EXHIBIT "B"

SEALY ECONOMIC DEVELOPMENT CORPORATION

(AMENDED) BYLAWS

May 9, 2024

**AMENDED BYLAWS
OF
SEALY ECONOMIC DEVELOPMENT CORPORATION**

These Bylaws govern the affairs of the SEALY ECONOMIC DEVELOPMENT CORPORATION (the "Corporation"¹¹), a nonprofit development corporation created pursuant to the Development Corporation Act of 1979, now Chapters 501 through 505 of the Texas Local Government Code (the "Act" as amended, and other applicable laws.

ARTICLE 1

PURPOSE AND POWERS

Purpose

1.01 The Corporation is incorporated as a nonprofit corporation for the purpose set forth in the Articles of Incorporation. The Corporation acts on behalf of the City of Sealy, Texas, in furtherance of the public purpose of the Act and may engage in any project authorized under Type B of the Act. The Corporation is a nonprofit corporation as defined by the Internal Revenue Code of 1986, as amended, and the applicable rulings of the Internal Revenue Service of the United States prescribed and promulgated thereunder. For the purposes of Chapter 101, Texas Civil Practices and Remedies Code, the Corporation is a governmental unit and its actions are governmental functions. The Corporation shall not be a political subdivision or a political corporation within the meaning of the Constitution and the laws of the State of Texas, including without limitation, Article 111, Section 52 of the Texas Constitution.

Powers

1.02 In fulfillment of its corporate purpose, the Corporation is a Type B corporation and shall be governed by the Act and specifically Chapter 505 of the Texas Local Government Code, and shall have all the powers set forth and conferred in its Articles of Incorporation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof the hereof.

ARTICLE II**OFFICES****Principal Office**

2.01

- (a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Articles of Incorporation. The office of the registered agent shall always be within the boundaries of the City of Sealy.
- (b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act. The registered agent shall be a resident of the State of Texas. The Board of Directors may, from time to time, change the registered office and the registered agent as permitted by law.

ARTICLE III**BOARD OF DIRECTORS****Management of the Corporation**

3.01 The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by the Economic Development Corporation Act of 1979, by the Articles of Incorporation, and by these Bylaws, the Board shall exercise all the powers of the Corporation.

Number, Qualifications, and Tenure of Directors

3.02 The Board of Directors shall consist of seven (7) members who are appointed by the governing body of the City of Sealy, for staggered two (2) year terms of office. Each director must reside within the City of Sealy, Texas. Not more than two (2) directors or less than one (1) shall be persons who are members of the city council of the City of Sealy. As provided by State law, TLGC §S0S.052(c), three directors of a Type B corporation must be persons who are not employees, officers, or members of the authorizing municipality. The terms of four (4) directors shall begin on June 1, of each even-numbered year, and expire on May 31, of the next following even year. The terms of three (3) directors shall begin June 1, of each odd-numbered year, and expire on May 31, of the next following odd-numbered year. All directors shall holdover until their successors are appointed unless a director is removed by City Council.

Vacancies

3.03 A vacancy occurring upon the Board of Directors shall be filled for the unexpired term by appointment by the governing body of the City of Sealy. If a director is absent for three regular consecutive meetings, the director's office is considered vacant unless the director is sick or has first obtained a leave of absence at a regular meeting.

Annual Meeting

3.04 The annual meeting of the Board of Directors shall be held during the month of June for the election of officers.

Regular Meetings

3.05 Regular meetings of the Board shall be held at such dates, and times and places as designated by the Board. The meeting shall be held within the City of Sealy, Texas, at the principal offices of the Corporation or at such other location as the Board of Directors may designate.

Special Meetings

3.06 Special meetings of the Board of Directors may be called at the request of the president or by any two (2) directors. The person(s) calling a special meeting shall fix the time and location of the meeting. The person(s) calling a special meeting shall notify the secretary of the Corporation of the information required to be included in the notice of the meeting.

Notice of Meetings

3.07 The Board of Directors shall be considered a "governmental *body*" within the meaning of Texas Government Code, Sec. 551.001, and all meetings, notices of meetings, and deliberations shall be called, convened, held, conducted and given in accordance with the provisions of Texas Government Code, Chapter 551 (The Texas Open Meetings Act). In addition to the posting of a meeting notice in accordance with these Bylaws and the Texas Open Meetings Act, a copy of each such meeting notice shall be delivered to each Director not less than seventy-two (72) hours before the time of the meeting. The notice shall state the place, date, and time of the meeting. A meeting notice shall be deemed delivered to any Director when deposited in the United States mail addressed to the Director at his or her address as it appears on the records of the Corporation, hand delivery to his or her address or by electronic mail (e-mail) at his or her email address provided by the City Secretary. Such additional notice may be waived in writing by a Director entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Quorum

3.08 Four Directors shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. No business shall be conducted, nor shall any action be taken by the Board of Directors in the absence of a quorum. The action of the majority of the Directors who are present and eligible to vote upon a matter shall be the act of the Board of Directors.

Powers and Duties of the Board of Directors

3.09

- a) Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of the Corporation, directors shall act in good faith and take actions they reasonably believe to be in the best interest of the Corporation and which are lawful and shall refrain from actions not in the best interest of the Corporation or which would be unlawful. The corporation shall have all the powers granted by Chapter 505 of the Texas Local Government Code and the Development Corporation Act and is subject to the limitations of a corporation created under another provision of the Act.
- b) The corporation may contract with another private corporation to:
 - (1) carry out an industrial development program or objective; or
 - (2) assist with the development or operation of any economic development program or objective consistent with the purposes and duties specified by the Act.
- c) The corporation may spend no more than 10 percent of the corporate revenues for promotional purposes.
- d) The Board shall periodically submit reports to the City Council as to the status of its activities in carrying out its obligations under this Section.
- e) Not later than February 1 of each year, the board shall submit a report to the Comptroller including all information required by Texas Local Government Code §502.151.
- f) Any and all agreements between the Corporation and other parties shall be authorized, executed, approved, and delivered in accordance with applicable law.
- g) The corporation may exercise the power of eminent domain only:
 - (1) on approval of the action by the governing body of the authorizing municipality; and
 - (2) in accordance with and subject to the laws applicable to the authorizing municipality.

Removal of Directors

3.10 The Board of Directors and each member thereof serves at the pleasure of the City Council of the City of Sealy, Texas, which may remove any director at any time, either with or without cause.

Committees of Directors

3.11 The Board of Directors may appoint persons to serve on a standing or ad hoc committee. Committee members need not be Directors of the Corporation, unless required by these Bylaws or resolution. Such committees shall have the powers, duties, and responsibilities established by the Board. The committees shall keep regular minutes of their meetings and report the same to the Board of Directors when required. The action of such a committee shall not constitute action by the board.

ARTICLE IV

OFFICERS

Officer Positions

4.01 The officers of the Corporation shall be president, vice president, a secretary, and a treasurer. The Board of Directors may create additional officer positions, define the authorities and duties of such additional positions and appoint persons to fill such positions.

Election and Terms of Officers

4.02 The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting.

Removal of Officers

4.03 Any officer may be removed by the Board of Directors at any time, with or without good cause. The removal of an officer does not also result in the removal of such person as a director of the Corporation.

Vacancies of President, Vice President, Secretary, and Treasurer

4.04 A vacancy in any office may be filled by the Board of Directors for the unexpired portion of the officer's term.

President

4.05 The president shall be the chief executive officer of the Corporation. The president shall supervise and control all of the business and affairs of the Corporation and must be elected from among the members of the board. The president shall preside at all meetings of the Board of Directors. The president shall execute all documents and agreements affecting the corporation, except where such power is expressly delegated to another officer of the Corporation or the Executive Director.

The president shall perform other duties prescribed by the Board of Directors and all duties incident to the office of the president.

Vice-President

4.06 When the president is absent, is unable to act, or refuses to act, the vice president shall perform the duties of the president. When acting in place of the president, the vice president shall have all the powers and duties as the president and be subject to all of the limitations and restrictions placed upon the president. The vice president must be elected from among the members of the board.

Secretary

4.07 The Secretary shall:

- a) Give all notices as provided in the Bylaws or as required by law.
- b) Take minutes of the meetings of the Board of Directors and keep the minutes as part of the corporate records.
- c) Maintain custody of the corporate records, authenticate corporate documents and affix the seal of the Corporation as required.
- d) Keep a register of the mailing addresses of each director and officer of the Corporation.
- e) Perform duties as assigned by the president or Board of Directors.
- f) Perform all duties incident to the office of secretary. The secretary may either be elected from among the members of the board or at the option of the Board, be persons other than the members of the Board, and/or may be employees of the City.

Treasurer

4.08 The Treasurer shall:

- a) Have charge and custody of and be responsible for all funds and securities of the Corporation.
- b) Receive and give receipts for moneys due and payable to the Corporation from any source.
- c) Deposit all monies in the name of the Corporation in banks, trust companies, or other depositories as shall be selected by the Board of Directors.
- d) Write checks and disburse funds to discharge obligations of the Corporation.
- e) Maintain the financial books and records of the Corporation.
- f) Prepare financial reports at least annually.
- g) Perform other duties as assigned by the Board of Directors
- h) Perform all duties incident to the office of treasurer. The treasurer may be either elected from among the members of the board or at the option of the Board, be persons other than the members of the Board, and/or may be employees of the City.

Executive Director

4.09 There may be an Executive Director of the Corporation who shall be responsible for the administration of all the affairs of the Corporation. The Executive Director shall be an employee of the City of Sealy, Texas, and a Department Director. The Board may make a recommendation to the City Manager regarding the Executive Director candidate to be employed. As an employee and Department Director of the City, the City Manager shall employ, suspend, or discharge the Executive Director with the concurrence of the City Council. The Executive Director shall perform and direct the daily administrative operations of the Corporation. The Executive Director shall be reviewed by the Board of Directors on an annual basis and shall be reviewed by the City Manager on an annual basis. The Executive Director shall receive compensation as approved by budget. The Executive Director shall provide quarterly reports to the City Council and shall meet with the City Manager twice a month to facilitate communication between the two entities.

(Amended 1.22.19, 5.12.21)

ARTICLE V

TRANSACTIONS OF THE CORPORATION

Contracts

5.01 The Board of Directors may by formal action or resolution authorize any officer or agent of the Corporation to enter into a contract or execute and deliver any instrument in the name of or on behalf of the Corporation. This authority may be limited to a specific contract or instrument or it may extend to any number and type of contracts and instruments.

Depository

5.02 The Board of Directors of the Corporation shall according to the investment policy designate a depository bank. All funds of the corporation shall be deposited with the depository bank. All checks, drafts, or orders of payment of money, notes or other evidence of indebtedness issued in the name of the Corporation shall be signed by two (2) of the following: President, Vice-President, Treasurer, or Executive Director.

Annual Corporation Budget

5.03 The Executive Director shall on behalf of the board prepare a proposed annual budget of expected revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until the same has been approved by the Board and the City Council, who shall annually review the financial status of the corporation. The proposed budget shall be

submitted to the City Council within a time frame to be specified by the City Manager for inclusion in the City's annual budgeting process.

Staff Support

5.04 The Corporation may contract with the City to provide financial and other services for the Corporation upon terms, conditions, and compensation as mutually agreeable.

Gifts

5.05 The Board of Directors may accept on behalf of the Corporation any gift or bequest provided for the general purposes of or for any special purpose of the Corporation.

Prohibited Acts

5.06 As long as the Corporation is in existence, no director, officer, or committee member of the Corporation shall:

- a) Do any act in violation of the bylaws or binding obligations of the Corporation.
- b) Do any act with the intention of harming the Corporation or any of its operations.
- c) Do any act that would make it impossible or unnecessarily difficult to carry on the intended or ordinary business of the Corporation.
- d) Receive an improper personal benefit from the operation of the Corporation.
- e) Use the assets of the Corporation, directly or indirectly, for any purpose other than conducting the business of the Corporation.
- f) Wrongfully transfer or dispose of Corporation property, including intangible property such as good will.
- g) Use the name of the Corporation (or any substantially similar name) or any trademark or trade name adopted by the Corporation, except on behalf of the Corporation in the ordinary course of the Corporation's business.
- h) Disclose any of the Corporation's business practices, trade secrets or any other information not generally known to the business community or to any person not authorized to receive it.
- i) Commit Corporation funds without prior approval of the Board of Directors.
- j) Incur a financial obligation that cannot be paid from:
 - 1) bond proceeds;
 - 2) revenue realized from the lease or sale of a project;
 - 3) revenue realized from a loan made by the corporation to wholly or partly finance or refinance a project; or
 - 4) money granted under a contract with a municipality under section 380.002 of the Texas Local Government Code.

ARTICLE VI**BOOKS AND RECORDS****Required Book and Records**

6.01 The Corporation shall keep correct and complete books and records of accounts and activity for a minimum of five (5) years. The Corporation's books and records shall include:

- a) A file endorsed copy of all documents filed with the Texas Secretary of State relating to the Corporation, including, but not limited to, the Articles of Incorporation, any Articles of Amendment, Restated Articles, Articles of Merger, Articles of Consolidation, and statement of change of registered office or agent.
- b) A copy of the Bylaws and any amended versions or amendments to the Bylaws.
- c) Minutes of the proceedings of the Board of Directors.
- d) A list of names and addresses of the directors and officers of the Corporation. In accordance with the Texas Government Code §552.024 & §552.117, a Director may request (in writing) that the Corporation not reveal their home address or home phone number.
- e) A financial statement showing the assets, liabilities, and net worth of the Corporation.
- f) A financial statement showing the income and expenses of the Corporation.
- g) All rulings, letters, and other documents relating to the Corporation's federal, state, and local tax status.
- h) The Corporation's federal, state and local information or income tax returns for each of the Corporation's tax years.

Records Open to Public

6.02 The Corporation shall be considered a "governmental body" within the meaning of Chapter 552, Texas Government Code. All records of the Corporation shall be made available to the public for inspection or reproduction in accordance with the requirements of the Texas Government Code, Chapter 552 ("The Texas Public Information Act").

Audit

6.03 The Board of Directors shall provide for an independent annual audit of the Corporation's books; provided, further, that an annual audit by the City Council of the Corporation's books and records in conjunction with the annual audit of the City's books and records shall be sufficient. The City Council of the City of Sealy, Texas, may at any time require an independent audit of the Corporation's books to be conducted.

ARTICLE VII**FISCAL YEAR**

7.01 The fiscal year of the Corporation shall begin on the first day of October and end on the last day of September.

ARTICLE VIII**AMENDMENTS TO BYLAWS**

8.01 The Bylaws may be altered, amended, or repealed by the Board of Directors with the consent and approval of the City Council of the City of Sealy, Texas, as evidenced by a resolution with the Bylaws attached.

ARTICLE IX**MISCELLANEOUS PROVISIONS****Legal Authorities Governing Construction of Bylaws**

9.01 The Bylaws shall be construed in accordance with the laws of the State of Texas. All references in the Bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is expressly provided that the provisions of the Development Corporation Act applicable to corporations governed under Chapter 505 of the Texas Local Government Code, are incorporated within these Bylaws by reference. In the event of any conflict between the applicable provisions of the Development Corporation Act and these Bylaws, then the applicable provisions of such Act shall control.

Legal Construction

9.02 If any Bylaw provision is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision and the Bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the Bylaws.

Headings

9.03 The headings used in the Bylaws are used for convenience and shall not be considered in construing the terms of the Bylaws.

Seal

9.04 The Board of Directors may provide for a Corporation seal. Such seal shall contain the words "Sealy Economic Development Corporation" and "Texas".

Parties Bound

9.05 These Bylaws shall be binding upon and inure to the benefit of the directors, officers, and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors and assigns except as otherwise provided in the Bylaws.

Effective Date

9.06 These Bylaws, and any subsequent amendments hereto, shall be effective as of and from the date on which approval has been given by both the Board of Directors and the City Council of the City of Sealy, Texas.

Indemnification of Directors, Officers, and Employees

9.07

- a) As provided in the Act and in the Articles of Incorporation, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.
- b) The Corporation shall have the power to indemnify any director or officer or former director or officer of the Corporation for expenses and costs (including attorneys' fees) actually and necessarily incurred by him/her in connection with any claim asserts against him/her by action in court or otherwise by reason of his/her being or having been such director or officer, except in relation to matters as to which he/she shall have been found guilty of negligence or misconduct in respect of the matter in which indemnity is sought.

Corporation May Provide Insurance

9.08 With consent of the City Council, the corporation may obtain insurance and benefits as provided by Texas Local Government Code §501.067, including liability insurance. The premiums for such insurance shall be paid for by the Corporation.

Dissolution of the Corporation

9.09 The Corporation is a nonprofit corporation. Upon dissolution, all of the Corporation's assets shall be distributed to the City of Sealy.

Service of Process

9.10 The president, vice-president, and the registered agent of the Corporation shall be agents of such corporation upon whom any process, notice, or demand required or permitted by law to be serviced upon the Corporation may be served.

Liability

9.11 The following are not liable for damages arising from the performance of a government function of the corporation or the City of Sealy:

- 1) the corporation;
- 2) a director of the corporation;
- 3) the City of Sealy;
- 4) a member of the City Council of the City of Sealy; or
- 5) an employee of the corporation or City.

CERTIFICATE OF SECRETARY

I certify that I am acting secretary of the SEALY ECONOMIC DEVELOPMENT CORPORATION, and the foregoing Amended Bylaws constitute the Bylaws of the Corporation. These Bylaws were duly adopted at a meeting of the Sealy EDC Board of Directors held on the 4th day of June 2021. And subsequently amended and approved at a meeting of the Sealy EDC Board of Directors held on April 23, 2024. Then approved by resolution and ratified by the City Council of the City of Sealy, Texas at a meeting held on the 9th day of May 2024. Then

Signed this 7th day of June 2024.



SECRETARY OF THE CORPORATION

EXHIBIT "C"

PLANNING COMMISSION

Ordinances 1974-02, 1975-09, 1977-6, 1993-12, 2007-09, 2014-21

ARTICLE II. PLANNING COMMISSION²

Sec. 78-31. Created.

There is created and established for the city a planning commission. The members shall be resident citizens, appointed to serve for two-year overlapping terms beginning on June 1.

(Ord. No. 74-02, § 1, 1-16-1974; Ord. No. 77-6, § 1, 5-4-1977; Ord. No. 93-12, § 1, 3-10-1993)

Sec. 78-32. Membership.

The planning commission shall consist of seven members who are qualified residents of the city. The commission shall be appointed by the mayor and approved by the city council; however, all members shall continue in office until their prospective successors have been appointed.

(Ord. No. 74-02, § 1, 1-16-1974; Ord. No. 77-6, § 1, 5-4-1977; Ord. No. 93-12, § 1, 3-10-1993; Ord. No. 2007-09, § 1, 8-8-2007)

Sec. 78-33. Removal for excess absences authorized.

Three unexcused absences of any member from any regular meetings of the planning commission shall, at the discretion of the mayor, render any such member liable for immediate removal from office.

(Ord. No. 93-12, § 2, 3-10-1993)

Sec. 78-34. Organization.

- (a) The planning commission shall elect a chairman and vice-chairman from its membership, and the city council shall furnish such qualified persons as may be necessary for the proper conduct and undertakings of the planning commission.
- (b) The planning commission shall have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council; and they shall be subject to approval of the city council. Such bylaws shall include, among other items, provisions for:
 - (1) Regular and special meetings, open to the public;
 - (2) Record of its proceedings, to be open for inspection by the public;
 - (3) Reporting to the council and the public from time to time and annually; and
 - (4) The holding of public hearings on its recommendations.

(Ord. No. 74-02, § 2, 1-16-1974)

Sec. 78-35. Powers and duties.

The planning commission shall have the following powers and duties:

- (1) The planning commission is authorized and responsible to make recommendations to the city council for the adoption of a municipal comprehensive plan, in accordance with Section 213.002, Texas Local Government Code as a whole, or as in parts, or as in periodic updates, to guide to direct and guide the future growth and development of the City of Sealy, the Sealy ETJ and the Sealy environs.
- (2) The commission is authorized and responsible to engage in planning studies and the development of plans for improvements to the city for the purpose of making planning recommendations to the city council with a view to the development and expansion of the community on matters that may include, but shall not be limited to, the development and improvement of public facilities, the design and appearance of the community, and capital improvement program planning matters.
- (3) The commission is authorized and responsible to perform all duties granted to the planning commission by the statutes of the Texas Local Government Code and by specific provisions of the Sealy City Code.
- (4) The commission is authorized and responsible to make plans and maps of the whole, or any portion, of the City of Sealy, the Sealy ETJ, and any other land outside the city and it's ETJ which bears a relation to the planning of the city, in order to formulate recommendations for city council consideration.
- (5) The commission is authorized and responsible to act with, and assist, any other municipal and governmental agencies, advisory boards and the commission, as directed by the city council, in formulating and executing proper plans for municipal development.
- (6) The commission is authorized and responsible to plan and make recommendations for city council consideration relative to the location, extension, or expansion of public streets, drainage and/or flood control improvements, utility improvement, parks, and other public improvements.
- (7) The commission is authorized and responsible to render recommendations to the city council on documents, plans and studies that propose future land us recommendations, future thoroughfare plan recommendations and any other plans, documents or studies that fundamentally shape the future form of the City of Sealy.
- (8) The commission is authorized and responsible to review and formulate recommendations for the city council with respect to the administration of Chapter 87, Subdivision of Land and Plats, of the Sealy City Code, pursuant to Section 212, Texas Local Government Code. The commission shall also make a recommendation for city council consideration on any variance that may be requested from any requirement associated with the subdivision process.
- (9) The commission is authorized and responsible to recommend to the city council the adoption of rules and regulations governing plats and subdivisions of land within the planning area of the City of Sealy, site planning and other land development regulations designed to promote health, safety, moral and general welfare of the community and the safe and orderly and healthful development of the community.
- (10) The planning commission is authorized and responsible to hear and decide upon an alleged error made in the administration of certain development regulations, or to appeal in any order, requirement, decision, or determination by an officer of the City of Sealy in the administration of certain development regulations where such powers are expressly granted by the Sealy City Code.

(11) The commission is authorized and responsible to consider and grant variances from certain land development regulations where such powers are expressly stipulated by the Sealy City Code when the commission determines that the granting of a variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of these regulations will result in an unnecessary hardship.

(Ord. No. 74-02, § 3, 1-16-1974; Ord. No. 75-09, 11-20-1975; Ord. No. 93-12, § 1, 3-10-1993; Ord. No. 2014-21 , § 2, 12-9-14)

State law reference(s)—Municipal regulation of subdivisions and property development, V.T.C.A., Local Government Code § 212.001 et seq.

EXHIBIT "D"

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

Resolution 2018-29

RESOLUTION NO. 2018-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS, APPOINTING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE AS REQUIRED BY CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.

WHEREAS, Chapter 395 of the Texas Local Government Code authorizes municipalities of the State to impose impact fees against new development for the purpose of generating revenue to fund or recoup the costs of capital improvements or facility expansions necessitated by the new development; and

WHEREAS, a municipality imposing impact fees must follow the procedures established by Chapter 395 of the Local Government Code, including, but not limited to, the appointment of an Advisory Committee; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS THAT:

Section 1. The City's Planning Commission shall act as the Capital Improvements Advisory Committee as provided by Section 395.058 of the Local Government Code. The Commission currently includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity.

Section 2. The Capital Improvements Advisory Committee shall:

- A. Advise and assist the City Council in adopting land use assumptions;
- B. Review the capital improvements plan, land use assumptions and impact fees and file written comments in accordance with Section 395 of the Local Government Code and the following:
 1. Written comments to the proposed impact fees shall be filed with the City Secretary before the fifth business day before the date of the public hearing on the imposition of impact fees;
- C. Monitor and evaluate the implementation of the capital improvements plan;
- D. File semiannual reports with respect to the progress of the capital improvements plan and report to City Council any perceived inequities in implementing the plan or imposing the impact fee;
- E. Advise the City Council of the need to update or revise the land use assumptions, capital improvements plan, and impact fee; and
- F. Other duties as assigned by City Council that relate to impact fees.

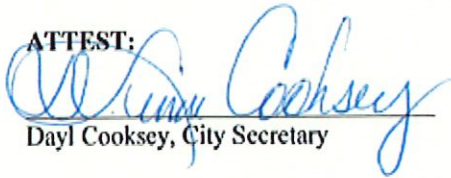
Section 3. The following procedural rules are adopted for the Capital Improvements Advisory Committee in carrying out its duties:

- A. The Chair and Vice Chair of the Planning Commission shall serve in these respective positions when acting as the Capital Improvements Advisory Committee;
- B. The City Secretary shall serve as ex officio (nonvoting) secretary of the Committee and shall keep minutes, books, files and other records of the Committee and perform such other duties as are incidental to the office;
- C. A quorum shall consist of four members and the Chair shall have a vote in all matters;
- D. No final action shall be taken on any matter except pursuant to a simple majority vote of the members present;

- E. Any motion by a member shall require a second. After a motion has been made and seconded, discussion of the motion may be had for a reasonable period of time at the direction of the Chair. Discussion shall terminate at the direction of the Chair or upon a call for a vote on the question by a member of the Committee;
- F. Whenever any question of procedure may be raised at a Committee meeting, the Chair shall rule thereon. A member may move to overrule the Chair's decision, which may be done only by a majority vote of the members present; and
- G. Voting on matters may be by voice vote; unless provided for otherwise.

PASSED AND APPROVED this the 28th day of August 2018.

ATTEST:


Dayl Cooksey, City Secretary


Janice Whitehead, Mayor



EXHIBIT "E"

CHARTER REVIEW COMMITTEE

CODE OF ORDINANCES – SEC. 9.3

Sec. 9.13. Charter review commission.

The city council shall, at its first regular meeting in July two (2) years after adoption of this Charter then every five (5) years thereafter, appoint a Charter review commission of five (5) citizens of the city.

A. *Duties of the commission.*

- (1) Inquire into the operation of the city government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the commission shall have the power to compel the attendance of any official or employee of the city and require the submission of any of the city records which it may deem necessary to the conduct of such hearing.
- (2) Propose any recommendation it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the city government.
- (3) Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions.
- (4) Report its findings and present its proposed amendments, if any, to the city council.

B. *Actions by the city council.* The city council shall receive and have published in the designated official newspaper of the city any report presented by the Charter review commission; shall consider any recommendations made and may submit proposed Charter amendments to the qualified voters of the city in the manner provided by the Texas Local Government Code, as now or hereafter amended.

C. *Term of office.* The term of such Charter review commission shall be six (6) months, and at the completion of such term a report shall be presented to the city council, and all records of the proceedings of such commission shall be filed with the city secretary and shall become a public record.

EXHIBIT "F"

SEALY DEVELOPMENT AUTHORITY/ TIRZ #2

Ordinance 2005-01

ORDINANCE NO. 2005-01

AN ORDINANCE DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN CITY OF SEALY AS REINVESTMENT ZONE NUMBER TWO, CITY OF SEALY, TEXAS, FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE.

* * * * *

WHEREAS, pursuant to Chapter 311 of the Texas Tax Code, the City may designate a contiguous geographic area within the City as a reinvestment zone if the area satisfies the requirements of certain sections of Chapter 311 of the Texas Tax Code; and

WHEREAS, the City has prepared a preliminary reinvestment zone financing plan, which provides that City of Sealy's ad valorem taxes are to be deposited into the tax increment fund, and that taxes of other taxing units may be utilized in the financing of the proposed zone; and

WHEREAS, the City provided written notice of the public hearing on the creation of the proposed zone, complying with the requirements of Chapter 311, Texas Tax Code, to the governing body of all taxing units levying taxes on property in the proposed zone; and

WHEREAS, a notice of the December 22, 2004 public hearing on the creation of the proposed zone was published on December 10, 2004, in *Sealy News*, a newspaper of general circulation in the City; and

WHEREAS, at the public hearing on December 22, 2004 interested persons were allowed to speak for or against the creation of the proposed zone, its boundaries, or the concept of tax increment financing; and owners of property in the proposed zone were given a reasonable opportunity to protest the inclusion of their property in the proposed zone; and

WHEREAS, evidence was received and presented at the public hearing in favor of the creation of the proposed zone under the provisions of Chapter 311, Texas Tax Code; and

WHEREAS, no owner of real property in the proposed zone protested the inclusion of their property in the proposed zone; and

WHEREAS, the City has provided all information, and made all presentations, given all notices and done all other things required by Chapter 311, Texas Tax Code, or other law as a condition to the creation of the proposed zone; and

WHEREAS, the total appraised value of taxable real property in the proposed zone and all other tax increment reinvestment zones previously created by the City is approximately \$4,422,000; and

WHEREAS, the total area within the proposed zone is approximately 315 acres, excluding property that is publicly owned; NOW, **THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEALY, TEXAS:

Section 1. Findings.

(a) That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

(b) That the City Council further finds and declares that the proposed improvements in the zone will significantly enhance the value of all the taxable real property in the proposed zone and will be of general benefit to the City.

(c) That the City Council further finds and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone contains substantial areas that are predominantly open and underdeveloped, and lack public water distribution, and wastewater collection facilities, which conditions substantially impair and arrest the sound growth of the City.

(d) That the City Council, pursuant to the requirements of Chapter 311, Texas Tax Code, further finds and declares:

- (1) That the proposed zone is a contiguous geographic area located wholly within the corporate limits of the City of Sealy;
- (2) That the total appraised value of taxable real property in the proposed zone does not exceed fifteen percent of the total appraised value of taxable real property in the City; and
- (3) That the development or redevelopment of the property in the proposed zone will not occur solely through private investment in the reasonably foreseeable future.

Section 2. Designation of the Zone

That the City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.005(a), does hereby designate as a reinvestment zone, and create and designate a reinvestment zone over, the area described in Exhibit "A" to promote the development of the area. The reinvestment zone shall hereafter be named for identification as Reinvestment Zone Number Two, City of Sealy, Texas, (the "Zone"). The City Council specifically declares that the Zone is designated pursuant to Section 311.005(a)(1) and (2) of the Texas Tax Code.

Section 3. Board of Directors

That there is hereby created a Board of Directors for the Zone, which shall consist of seven (7) members. Positions One through Five on the Board of Directors shall be reserved for the City. Positions Six and Seven shall be reserved for other taxing units levying taxes within the Zone, each of whom may appoint one director. Any taxing unit that appoints a director shall be assigned a Board position number in the order the City receives the appointment. Failure of a taxing unit to appoint a director by December 31, 2005, shall be deemed a waiver of the right to appoint a director, and the City shall be entitled to appoint persons to the position, which shall be filled as provided below. If more than two taxing units levying taxes within the Zone appoint a director, the number of directors on the Board of Directors shall be increased by one for each taxing unit above two that appoints a director to the board; provided, if more than four taxing units levying taxes within the Zone appoint a director, the number of directors on the Board of Directors shall be increased by two for each taxing unit above four that appoints a director to the board, provided, further, that the maximum number of directors shall not exceed fifteen (15). The City shall be entitled to appoint a person to one position of each of the two positions created as a result of more than four taxing units

appointing directors, which position shall be filled as provided below.

The Mayor is hereby authorized to nominate and appoint, subject to City Council approval, the directors to Positions One through Five of the Board of Directors, any position unfilled on December 31, 2005, and any City position created by the appointment of a director by more than two taxing units levying taxes within the Zone, subject to the consent and approval of the City Council. The directors appointed to odd-numbered positions shall be appointed for two year terms, beginning on the effective date of this Ordinance, while the directors appointed to even-numbered positions shall be appointed to a one year term, beginning on the effective date of this Ordinance. All subsequent appointments shall be for two-year terms. The member of the Board of Directors appointed to Position One is hereby designated to serve as the chair of the Board of Directors for a one-year term beginning on the effective date of this Ordinance. Thereafter the Mayor shall annually nominate and appoint, subject to City Council approval, a member to serve as chair for a term of one year beginning on the anniversary of the effective date of this Ordinance. The City Council authorizes the Board of Directors to elect from its members a vice-chairman and such other officers as the Board of Directors sees fit.

The Board of Directors shall make recommendations to the City Council concerning the administration of the Zone. The Board of Directors shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone as described in Section 311.011, Texas Tax Code, and shall submit such plans to the City Council for its approval. The City hereby delegates to the Board of Directors all powers necessary to prepare and implement the project plan and reinvestment zone financing plan, subject to approval by the City Council, including the power to employ any consultants or enter into any reimbursement agreements payable solely from the Tax Increment Fund established pursuant to Section 6 of this Ordinance, subject to the approval of the Mayor, that may be reasonably necessary or convenient to assist the Board of Directors in the preparation of the project plan and reinvestment zone financing plan and in the issuance of tax increment obligations.

Section 4. Duration of the Zone

That the Zone shall take effect upon passage of this Ordinance, for the deposit of tax increments into the Tax Increment Fund established pursuant to Section 6 of this Ordinance, and termination of the operation of the Zone shall occur on December 31, 2035, or at an earlier time designated by subsequent

ordinance, or at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full.

Section 5. Tax Increment Base

That the Tax Increment Base of the City or any other taxing unit participating in the Zone for the Zone is the total appraised value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone, determined as of January 1, 2005, the year in which the Zone was designated as a reinvestment zone (the "Tax Increment Base").

Section 6. Tax Increment Fund

That there is hereby created and established a Tax Increment Fund for the Zone which may be divided into subaccounts as authorized by subsequent ordinances. All Tax Increments, as defined below, shall be deposited in the Tax Increment Fund. The Tax Increment Fund and any subaccount shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. The annual Tax Increment shall equal the property taxes levied by the City and any other taxing unit participating in the Zone for that year on the captured appraised value, as defined by Chapter 311 of the Texas Tax Code, of real property located in Zone that is taxable by the City or any other taxing unit participating in the Zone, less any amounts that are to be allocated from the Tax Increment pursuant to Chapter 311 of the Texas Tax Code. All revenues from the sale of any tax increment bonds, notes or other obligations hereafter issued for the benefit of the Zone by the City, if any; revenues from the sale of property acquired as part of the project plan and reinvestment zone financing plan, if any; and other revenues to be used in the Zone shall be deposited into the Tax Increment Fund. Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code,

for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.01O(b) of the Texas Tax Code.

Section 7. Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person to set circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulations connected herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 8. Open Meetings

It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the Time required by law preceding its meeting, as required by the Open Meetings Law, Texas Government Code, Ch. 551, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered

and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

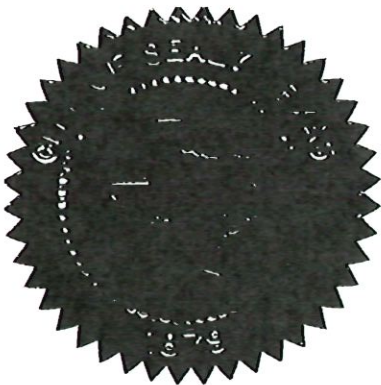
Section 9. Notices

The contents of the notice of the public hearing, which hearing was held before the City Council on December 22, 2004, and the publication of said notice, are hereby ratified, and confirmed.

PASSED AND APPROVED on first reading this 22nd day of December 2004.

PASSED, APPROVED, AND ADOPTED on second and final reading this 12th day of January 2005.

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Russell L. Koym
Mayor

ATTEST:

Krishna Langton

Krishna Langton
City Secretary

FIELD NOTE DESCRIPTION
315.584 ACRES OF LAND
AUSTIN COUNTY, TEXAS

BEING a 315.584 acre tract of land out of and part of tracts 1, 2 and 3 of the partition of the J. W. Allen Estate. Tract 2 is a 105 acre tract recorded in Volume 273, Page 15 and tract 3, a 105 acre tract recorded in Volume 228, Page 314 and tract 1 is recorded in Volume 133, Page 630 of the Deed Records of Austin County, Texas and a 33.4307 acre tract known as Sealy Homestead filed under file number 007427 of the Austin County Deed Records. Said tracts 1, 2 & 3 are out of the C. C. Allen Survey, Abstract 337 Austin County, Texas and Sealy Homestead is out of the Issac Gifford Survey, Abstract No. 179 Austin County, Texas. Said 315.584 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod at the intersection of the north right-of-way of F.M. Highway 2187 and the east line of said tract 1, being the a northeast comer of this tract;

THENCE S 48°12'08"E, along the east line of tract 1, across said highway, 151.78 feet to a point in the south right-of-way of FM 2187 being the west comer of Sealy Homestead for an interior comer of this tract;

THENCE N 79°33'15"E, along the south right-of-way of F.M. Highway 2187, 1748.11 feet to the beginning of a curve to the right, having a radius of 22,858.30 feet, a central angle of 0°25'38" and a chord bearing N79°45'14"E- 170.39 feet;

THENCE along said curve 170.39 feet to a point being the northeast comer of said Sealy Homestead and the most northerly comer of this tract;

THENCE S09°42'02"E, along the southeast line of Sealy Homestead and a 1.514 acre tract described in Volume 653, Page 297 of the deed records of Austin County, Texas and a 1.089 acre tract described in Volume 361, Page 448 of the deed records of Austin County, Texas, 701.85 feet to point being the southwest comer of said 1.089 acre tract and an angle point;

THENCE continuing S16°33'07"E along said east line of Sealy Homestead and the west line of a tract described in Volume 554, Page 417 of the deed records of Austin County, Texas, 200.14 feet to a point being the southeast comer of Sealy Homestead and a southeast comer of this tract;

THENCE S76°02'43"W, along the south line of Sealy Homestead and the north line of a 42.066 acre tract described in Volume 263, Page 262 of the deed records of Austin County, Texas, 1178.90 feet to a point in the east line of tract 1 being the southwest comer of Sealy Homestead and an interior comer of this tract;

THENCE S48°12'08"E, along the east line of tract 1 and the west line of said 42.066 acre tract, 2561.65 feet to a point for an interior comer of this tract;

THENCE N42°43'54"E, 169.06 feet to a point for a northeast comer of this tract; **THENCE** S14°52'50"E, 1729.67 feet to a point for the southeast comer of this tract; **THENCE** S80°07'10"W, 231.50 feet to a point for a southwest comer of this tract; **THENCE** N14°52'50"W, 312.14 feet to a point for a southwest comer of this tract; **THENCE** S80°54'59"W, 554.50 feet to a point for a southwest comer of this tract;

THENCE N13°15'36"W, 860.92 feet to a point in the south line of tract 2 for an interior comer of this tract;

THENCE S42°43'54"W, along the south line of tract 2 and 3, 1080.88 feet to a point for an interior comer of this tract;

THENCE S47°16'06"E, 102.45 feet to a point being the beginning of a non tangent curve to the right, having a radius of 350.00 feet, a central angle of 43°34'20" and a chord bearing S23°07'14"E - 259.80 feet;

THENCE along said curve to the right 266.17 feet to the end of said curve;

THENCE S02°58'16"E, 360.83 feet to a point in the north right of way off F.M. Highway 1094 for a southeast comer of this tract;

THENCE S86°15'26"W, along said right-of-way 80.00 feet to a point for a southwest comer of this tract;

THENCE N02°58'16"W, 360.83 feet to a point being the beginning of a non tangent curve to the left, having a radius of 250.00 feet, a central angle of 45°24'33" and a chord bearing N27°48'40"W - 192.99 feet;

THENCE along said curve 198.14 feet to the end of said curve;

THENCE N47°16'06"W, 102.45 feet to a point in the south line of tract 3, being an interior comer of this tract;

THENCE S42°43'55"W, along the south line of tract 3, 513.51 feet to a point being the southwest corner of tract 3 and a southwest corner of this tract;

THENCE N48°16'22"W, along the west line of tract 3, 5056.28 feet to a point in the south right of way of F.M. 2187, for the most westerly corner of this tract;

THENCE N41°09'25"E, along the south right-of-way of F.M. 2187, 91.25 feet to the beginning of a curve to the right having a radius of 1850.03 feet, a central angle of 38°25'10" and a chord bearing N60°22'00"E - 1217.42 feet.

THENCE along said curve and the south right-of-way of F.M. Highway 2187, 1240.53 feet to the end of said curve;

THENCE N79°32'40"E, along said right-of-way, 592.14 feet to a point in the east line of tract 3 and the west line of tract 2, for an interior corner of this tract;

THENCE N48°16'22"W, along the east line of tract 3 and the west line of tract 2, across F.M. Highway 2187, 151.90 feet to a point in the north right-of-way of F.M. Highway 2187, for a corner of this tract;

THENCE N79°32'32"E, along the north right-of-way of F.M. Highway 2187, 536.40 feet to an angle point;

THENCE continuing N79°31'27"E, along said right-of-way, 368.32 feet to the **POINT OF BEGINNING** and containing 315.584 acres of land more or less.

EXHIBIT "G"

CITY OF SEALY

BOARDS AND COMMISSIONS POLICY

WORKFLOW

Boards & Commission Orientation & Application Policy Workflow

March 1st

Advertise vacancies in newspaper, social media, website, bulletin board per Sample Annual Advertisement

Applications to City Secretary by May 1st

New Member:
Appointment Application
Current Member:
Reappointment Application

Last Meeting in MAY:

Appoint members to:
Parks, SEDC,
Planning Commission/CIAC,
TIRZ

CHARTER REVIEW
(2027, then every 5 years)

Upon Appointment:

1. Staff Liaison notify – next day: send welcome email and inform of next steps
2. City Secretary – obtains signatures if applicable and Oaths of Office
3. City Secretary – updates contact lists and submits to Staff Liaisons to distribute to all members
4. City Secretary – notify of required training & orientation and provide links to Open Meetings Act & Texas Public Information training ASAP to try to get the training certificates before the first board meeting
5. First board meeting (or within 60 days) – Staff Liaison, Department Head and City Secretary provide orientation and ensures all have met training requirements (annually)
6. City Secretary sets up spreadsheet for attendance – tracks and notifies Mayor if 3 unexcused consecutive absences or absences of 25% or greater in 6 months
7. City Secretary – collect all member’s completed Signature Forms (Page 22) and proof of training for City records

Boards & Commissions:

Board	Meeting Day	Time	Members/Appointments/Liaisons
Parks	Third Wednesday, Every 3 months	3:00	5/ May/ #1-3 odd years; 4-5 – even years Public Works Parks/Streets Admin
Sealy EDC	Fourth Tuesday	6:00	7/ May/ 1-2 City Council meetings; #1-4 even years; #5-7 odd years EDC DIRECTOR
Planning Commission	Second Wednesday	6:00	7/ May/ #1-4 odd years; 5-7 even years ASSISTANT CITY MANAGER
Capital Improvement	Twice per year; usually in June and December	6:00	Planning Commission members/ 5/ May/1 real estate, 1 development, 1 building industry. City Secretary ex-officio ASSISTANT CITY MANAGER
Charter Review	Every 5 years, beginning 1998. Monthly, typically July-Dec.	5:00	5 members/ July CITY SECRETARY
TIRZ #2	Typically one meeting per year, determined by Hawes Hill	6:00	7/ December/ #1-5 City, #6-7- taxing units levying taxes in the zone; staggered 2-4-6 – even years; 1-2-5-7 odd years FINANCE DIRECTOR

EXHIBIT "H"

ABSTENTION AND CONFLICT OF INTEREST AFFIDAVIT

CITY OF SEALY BOARDS AND COMMISSIONS POLICY

ABSTENTION AND CONFLICT OF INTEREST POLICY

EXHIBIT "H"

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF AUSTIN

I, _____, as a member of the _____ of the City of Sealy, Texas, make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by a vote or decision of the

_____ of the City of Sealy, Texas, as those terms are defined in Chapter 171 of the Local Government Code. The business entity or real property is:

The business entity or real property in which I have a substantial interest is: [name and address of business and/or description of property]

I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons [circle all that apply]:

- (1) own 10% or more of the voting stock or shares of the business entity;
- (2) own 10% or more of the fair market value of the business entity;
- (3) own \$15,000 or more of the fair market value of the business entity;
- (4) receive from the business entity funds that exceed 10% of [my, his, her] gross

income for the previous year;

(5) have/has an equitable or legal ownership of real property with a fair market value of \$2,500 or more.

(6) relative within the first degree of consanguinity or affinity has a substantial interest.

Upon the filing of this affidavit with the City Secretary for the City of Sealy, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity or real property and from any further participation in this matter whatsoever.

Signed this _____ day of _____, 20_____.

Name

Title

BEFORE ME, the undersigned authority, this day personally appeared and by oath stated that the facts hereinabove stated are true and correct to the best of his/her knowledge or belief.

Sworn to and subscribed before me on this _____ day of _____, 20_____.

(Name and Title)

Notary Public in and for the State of Texas

Item #14



SEALY CITY COUNCIL AGENDA ITEM NO: **14** Discussion and possible action to approve a Personal Services Agreement with Michael Baxter of Texas Festival & Tourism Consulting to provide festival consulting services.
SUBMITTED BY: Sealy Economic Development and Tourism Staff
MEETING DATE: June 17, 2025

STAFF REPORT

DESCRIPTION

City Council is asked to consider and take action on a proposed Personal Services Agreement with Michael Baxter of Texas Festival & Tourism Consulting for event consultation services related to Sealy's signature events: "Fantasy of Lights," "Spring Fest," and a proposed new 2026 festival later in 2026. The agreement includes festival evaluation, community engagement, marketing enhancements, and development of event activities designed to strengthen Sealy's cultural tourism offerings.

The City aims to increase regional visibility, community participation, and economic impact through stronger and more dynamic festival programming. Each event will be addressed as a separate project under the agreement. The term of the agreement runs through **September 30, 2026**, with the option to renew. Compensation is structured by project and capped at **\$15,000 total**, with **up to \$5,000 allocated per event**, excluding mileage and lodging (if necessary). All services are subject to the terms of the Texas Government Code, Chapter 2251.

ANALYSIS

Mr. Baxter's background includes a tenure exceeding five years as the Owner & Chief Consulting Guy at Texas Festival & Tourism Consulting, his mission revolves around invigorating festivals and events with innovative strategies and compelling visual storytelling. Through his expertise in project management, he will work with Sealy to navigate the complexities of festival creation and tourism marketing to grow attendance, and deliver impactful experiences for festival attendees.

He steered the City of Tomball's tourism and festival program for over 11 years and prior to that he served as Marketing Director for 12 years and 13 years respectively at Traders Village and Splashtown Waterpark, leaving a legacy of growth and community engagement. He now produces a podcast, FESTIVAL SOUP, along with a dedicated industry blog, while educating and connecting professionals, providing photography that captures the vibrant essence of each event.

The agreement includes:

- Evaluation and analysis of current events
- Recommendations for entertainment, marketing, aesthetics, sponsorship, and safety
- Development of guest and community surveys
- Event budgeting support
- Planning assistance for a new 2026 festival

The City aims to increase regional visibility, community participation, and economic impact through stronger and more dynamic festival programming. Each event will be addressed as a separate project under the agreement.

LEGAL REVIEW

The proposed agreement and supporting documents have been reviewed and found to meet all state and municipal contracting requirements, including conflict of interest, anti-discrimination, and procurement regulations. Legal compliance forms are included in the packet.

FINANCIAL IMPACTS

Funding for the consulting services will not exceed \$15,000. The funding for Fantasy of Lights will be out of FY 2024-2025 and the remaining \$10,000 will be paid in FY 2025-2026.

ATTACHMENTS

- **Personal Services Agreement #2025-007**
- **Exhibit A – Festival Consulting Proposal**
- **Contract Attachments:**
 - HB 89 Verification
 - Disclosure of Business with Iran, Sudan, or Foreign Terrorist Organizations
 - HUB Certification
 - Conflict of Interest Questionnaire (Form CIQ)

RECOMMENDATION

City staff recommends approval of the Personal Services Agreement with Michael Baxter of Texas Festival & Tourism Consulting as presented, authorizing the City Manager to execute the agreement and any associated documents.

PERSONAL SERVICES AGREEMENT
#2025-007
For
Festival Consulting

This AGREEMENT ("Agreement") is entered into by and between the undersigned,

City of Sealy, Texas ("City")
415 Main Street
Sealy, TX 77474

and

Texas Festival & Tourism Consulting ("CONTRACTOR")
Michael Baxter, CEO
5315-B FM 1960 W #354
Houston, TX 77069

Section 1. Services: CONTRACTOR will perform the designated services and/or provide the designated products as set forth in Exhibit A, which is attached hereto and incorporated for all purposes, and subsequent Task Orders. The work under this Agreement shall be completed as detailed in Exhibit A and each Task Order. The terms and conditions of this Agreement take precedence over all exhibits and attachments.

Section 2. Term and Termination: This Agreement shall begin upon the date of its final execution and shall terminate **September 30, 2026**, with the option to renew for additional term(s) upon written notification from the City.

This Agreement may be terminated, upon thirty (30) days written notice, by the CITY without cause or by the CONTRACTOR for cause. This Agreement may be terminated immediately by the CITY for cause. Upon termination, CITY shall pay CONTRACTOR, at the rate set out in Exhibit A, attached hereto and incorporated herein for all purposes, for Services satisfactorily performed up to the date of termination. Notwithstanding any provision in this Agreement to the contrary, CITY will not be required to pay or reimburse CONTRACTOR for any services performed or for expenses incurred by CONTRACTOR after the date of the termination notice that could have been avoided or mitigated by CONTRACTOR.

Section 3. Compensation: The CONTRACTOR shall be paid for the services, if approved, as set forth in Exhibit A. The CITY shall pay the CONTRACTOR in accordance with the Texas Government Code, Chapter 2251.

The CONTRACTOR must submit invoices for all services, which invoices must include dates and details of services provided. Invoices must reference the executed contract number or purchase order number. Invoices shall be submitted to the CITY representative named in Section 24. Payment for delivery of Services rendered shall not be unreasonably withheld or delayed. The CITY and CITY shall be under no obligation to pay for services rendered without prior authorization. Invoices shall also be submitted electronically to Accounts Payable ap@ci.sealy.tx.us, with a copy to the appropriate CITY representative named in Section 24.

The CONTRACTOR may, at the CITY's discretion, be provided with a purchase order number from the CITY and such number shall be referenced on all invoices submitted to the CITY. When the CITY believes there is an error on an invoice received from CONTRACTOR, the CITY has until the 21st day after receipt to notify the vendor of the dispute. If resolved in favor of the CITY, the vendor must submit a new invoice, and the CITY have thirty (30) days to pay. If the dispute is resolved in favor of the vendor, interest is due from the original date on which the invoice would have become overdue.

Section 4. Travel: See Exhibit A for any applicable terms.

Section 5. Limit of Appropriation and Fiscal Funding. The CONTRACTOR clearly understands and agrees, such understanding and agreement being of the absolute essence to this Agreement, that the CITY shall have available the amount of **\$15,000** as budgeted by the CITY to discharge any and all liabilities which may be incurred by the CITY pursuant to this Agreement and that the total maximum compensation that the CONTRACTOR may become entitled to hereunder and the total maximum sum that the CITY shall become liable to pay to the CONTRACTOR hereunder shall not under any conditions, circumstances, or interpretations, hereof, exceed the said total maximum sum provided for in this section without prior written permission from the CITY. The CITY's fiscal year is October 1 through September 30. If this Agreement extends beyond September 30th, there shall be a fiscal funding out. If, for any reason, funds are not appropriated to continue the contract in the new fiscal year, this Agreement shall become null and void on the last day of the current appropriation of funds without penalty of any kind or form to the CITY and CITY.

Section 6. Relationship of the Parties: CONTRACTOR is an independent contractor and is not an employee, partner, joint venture, or agent of CITY. The CONTRACTOR understands and agrees that he/she will not be entitled to any benefits generally available to Sealy CITY employees. CONTRACTOR shall be responsible for all expenses necessary to carry out the services under this agreement, and shall not be reimbursed by CITY for such expenses except as otherwise provided in this Agreement.

Section 7. Authority of the Project Manager: All Services to be performed by the CONTRACTOR hereunder shall be performed to the satisfaction of the CITY's project manager, named in Section 23. The CITY's project manager shall decide any and all questions which may arise as to the quality or acceptability of the Services performed by the CONTRACTOR, and the decisions of the CITY's project manager in such cases shall be final and binding on both parties. However, nothing contained herein shall be construed to authorize the CITY's project manager to alter, vary, or amend this Agreement.

Section 8. Intellectual Property: This Agreement shall be an agreement for services, and the parties intend and consider any work created as a result of this Agreement, including any and all documentation, images, products, or results, to be a work for hire under federal copyright law. Ownership of the work shall belong to and remain the exclusive property of CITY. The work may be edited at any time within the CITY's discretion. If the work would not be considered a work-for-hire under applicable law, CONTRACTOR hereby assigns, transfers and conveys any and all rights, title and interest to the CITY, including without limitation all copyrights, patents, rights of reproduction, rights to ownership, and right to secure registrations, renewals, reissues and extensions thereof. As the sole copyright holder of the work, the CITY maintain and assert the rights to use, reproduce, make derivative works from, and/or edit the work in any form of medium,

expression, or technology now known or hereafter developed, at any time within the CITY's discretion. CONTRACTOR retains the right to reuse non-client-specific templates, frameworks, or methodologies developed during the engagement, provided no confidential information or proprietary brand elements from the CITY are used.

CONTRACTOR shall not sell, disclose, or obtain any other compensation for the Services provided herein. If the work is one to which the provisions of 17 U.S.C. § 106A apply, the CONTRACTOR hereby waives and appoints the CITY to assert on the CONTRACTOR's behalf the CONTRACTOR's moral rights or any equivalent rights regarding the form or extent of any alteration to the work (including, without limitation, removal or destruction) or the making of any derivative works based on the work, including, without limitation, photographs, videos, drawings or other visual reproductions of the work, in any medium, for CITY purposes.

Notwithstanding the CITY's ownership of the work as set forth above, the CITY grants CONTRACTOR a non-exclusive, royalty-free, limited license to display or reference final deliverables created under this Agreement (e.g., social media content, branding, campaign strategy, or visual designs) solely for the purpose of promoting CONTRACTOR's services in portfolios, case studies, presentations, and marketing materials, provided such use does not disclose confidential information or portray the CITY in a negative or misleading manner. CONTRACTOR agrees to credit the CITY appropriately in any such promotional usage and will comply with any reasonable requests from the CITY regarding content usage or removal.

Section 9. Confidentiality: During the term of this Agreement, CONTRACTOR may come in contact with confidential information of the CITY. CONTRACTOR agrees to treat as confidential the information or knowledge that becomes known to CONTRACTOR during performance of this Agreement and not to use, copy, or disclose such information to any third party unless authorized in writing by CITY. This provision does not restrict the disclosure of any information that is required to be disclosed under applicable law. CONTRACTOR shall promptly notify the CITY of any misuse or unauthorized disclosure of its confidential information, and upon expiration of this Agreement, shall return to the CITY all confidential information in CONTRACTOR's possession or control. CONTRACTOR shall further comply with all CITY information security policies that may apply and shall not make any press releases, public statements, or advertisements referring to the Services provided under this agreement or the engagement of CONTRACTOR without the prior written approval of the CITY.

Section 10. Warranties and Representations: CONTRACTOR warrants and agrees that CONTRACTOR shall perform the Services and conduct all operations in conformity with all applicable federal, state, and local laws, rules, regulations, and ordinances. For any Service performed on premises owned or controlled by the CITY, CONTRACTOR warrants and agrees that CONTRACTOR will perform the Services in compliance with all CITY rules, including but not limited to prohibitions related to tobacco use, alcohol, and other drugs.

Section 11. Licenses/Certifications: If applicable, CONTRACTOR agrees to obtain, at its own cost, any and all approvals, licenses, filings, registrations, and permits required by federal, state, or local laws, regulations, or ordinances required for the performance of the Services.

Section 12. Performance/Qualifications and Assignment: CONTRACTOR agrees and represents that CONTRACTOR has the personnel, experience, and knowledge necessary to qualify CONTRACTOR for the particular duties to be performed under this Agreement. CONTRACTOR warrants that all services performed under this Agreement shall be performed

consistent with generally prevailing professional or industry standards. The CITY and the CONTRACTOR bind themselves and their successors, executors, administrators, and assigns to this Agreement and to the successors, executors, administrators, and assigns of the other party, in respect to all covenants of this Agreement. Neither the CITY, nor the CONTRACTOR shall assign, sublet, or transfer its or his interest in this Agreement without the written consent of the other, which consent will not be unreasonably withheld. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto.

Section 13. Conflict of Interest: CONTRACTOR warrants, represents, and agrees that CONTRACTOR presently has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with CONTRACTOR's performance of the services hereunder. CONTRACTOR further warrants and affirms that no relationship or affiliation exists between CONTRACTOR and the CITY that could be construed as a conflict of interest with regard to this Agreement. Pursuant to Section 2252.908, Texas Government Code, if this Agreement requires an action or vote by the CITY Board or City Council or has a value of at least \$1 million, CONTRACTOR further warrants that CONTRACTOR has submitted a disclosure of interested parties to the CITY.

Section 14. Insurance: CONTRACTOR shall maintain during the term hereof in full force and effect the following insurance: (i) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the CONTRACTOR'S performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$1,000,000.00 per occurrence for injury to persons (including death), and for property damage; (ii) if CONTRACTOR has any employees and is not a sole proprietorship, then statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of CONTRACTOR'S employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00; and (iii) Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limit of not less than \$1,000,000.00 per claim and \$1,000,000.00 in the aggregate.

All policies of insurance shall be endorsed and contain the following provisions: (1) name CITY, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability; and (2) provide for at least thirty (30) days prior written notice to the CITY for cancellation of the insurance; (3) provide for a waiver of subrogation against the CITY for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for Professional Liability.

Insurance. The CONTRACTOR shall provide written notice to the CITY of any material change of or to the insurance required herein.

A certificate of insurance and copies of the policy endorsements evidencing the required insurance shall be submitted prior to commencement of services and upon request by the CITY and CITY.

COVERAGES SHALL BE WITH A COMPANY (WITH AT LEAST AN A- BEST RATING) ACCEPTABLE TO THE CITY PURCHASING AND RISK MANAGEMENT DIVISION AND A COPY OF THE CERTIFICATE OF COVERAGE SHALL BE DELIVERED TO THE CITY ON OR BEFORE THE DATE OF THIS AGREEMENT.

Section 15. Indemnification: Except as provided herein, CONTRACTOR shall indemnify and hold harmless the City of Sealy, and each of its directors, officers, officials, agents, representatives, and employees from and against all claims, actions, suits, demands, proceedings, costs, damages and liabilities, including without limitation attorneys' fees and reasonable litigation costs, arising out of, connected with, or resulting from any acts or omissions of CONTRACTOR or any agent, employee, SUBCONTRACTOR, or supplier of CONTRACTOR in the execution or performance of this contract. If any action or proceeding shall be brought by or against the City of Sealy in connection with any such claim, action, suit, demand, proceeding, cost, damage, or liability, the CONTRACTOR, on notice from the City of Sealy, shall defend the City of Sealy against such action or proceedings at CONTRACTOR's expense, by or through attorneys reasonably satisfactory to the City of Sealy. The CONTRACTOR's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained by the CONTRACTOR under this Agreement. CONTRACTOR agrees to provide personal services, as applicable, hereunder as expeditiously as is prudent considering the ordinary personal skill and care of a competent individual, as applicable, and in accordance with the generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the CONTRACTOR's trade or profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the services provided hereunder and the CONTRACTOR's performance. CONTRACTOR shall and does hereby agree to indemnify and hold harmless the CITY, its officers, officials, agents, representatives, and employees from any and all damages, loss, or liability of any kind, whatsoever, including, but not limited to, death, injury, or property damages, to the extent caused by the intentional, knowing, reckless, or negligent act or omission (hereinafter referred to as "fault") of the CONTRACTOR, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of services, as applicable, pursuant to this Agreement, and the CONTRACTOR will reimburse the CITY's reasonable legal costs, including reasonable attorney's fees, in proportion to CONTRACTOR's liability for such engineering and architectural services, as applicable.

Section 16. Force Majeure: Neither the CONTRACTOR, its suppliers nor the CITY will be liable for any failure or delay in this Agreement due to any cause beyond its reasonable control, including acts of war, epidemics, acts of God, earthquakes, floods, embargos, riots, sabotage, labor shortages or disputes, governmental acts, including, but not limited to, measures taken to address or contain disease outbreaks, or failure of the Internet (not resulting from the negligence or willful misconduct of CONTRACTOR), provided that the delayed party: (a) gives the other party prompt notice of such cause, and (b) uses its reasonable commercial efforts to promptly correct such failure or delay in performance. If the CONTRACTOR is unable to provide services for a period of thirty (30) consecutive days as a result of a continuing force majeure event, the CITY and CITY may cancel the contract without penalty.

Section 17. Jurisdiction: CITY, CITY, and CONTRACTOR agree that any dispute under this Agreement shall be brought in a court of competent jurisdiction in Austin County, Texas, and that this Agreement shall be governed by Texas law, except for the conflict of law provisions.

Section 18. Prohibition on Boycotting Israel. (REQUIRED IF CONTRACT VALUE IS OF \$100,000 AND COMPANY HAS TEN FULL TIME EMPLOYEES): Pursuant to Section 2271.002,

Texas Government Code, CITY may not enter into a contract for goods or services unless the contract contains a written verification that the CONTRACTOR: (1) does not boycott Israel; and (2) will not boycott Israel during the term of this Agreement. By executing this Agreement, CONTRACTOR verifies that CONTRACTOR does not boycott Israel or will not boycott Israel during the term of this Agreement.

Section 19. Engaging in Business with Sudan, Iran, or Foreign Terrorist Organizations Prohibited. Pursuant to Section 2252.152, Texas Government Code, CONTRACTOR warrants, represents, and agrees that CONTRACTOR is not identified on a list prepared and maintained by the Texas Comptroller of Public Accounts as a company that engages in business with Sudan, Iran, or a foreign terrorist organization.

Section 20. No Boycott of Energy Companies. By signing and entering into the Agreement, CONTRACTOR certifies and verifies, pursuant to Chapter 2271 and Chapter 809 of the Government Code, that it does not boycott energy companies and will not boycott energy companies during the term of this Agreement. "Boycott energy company" has the meaning assigned by Section 809.001, Government Code.

Section 21. No Boycott of Firearms. By signing and entering into the Agreement, CONTRACTOR verifies, pursuant to Chapter 2274 of the Texas Government Code, that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and verifies it will not discriminate during the term of this Agreement against a firearm entity or firearm trade association. "Discriminate against a firearm entity or firearm trade association" has the meaning assigned by Section 2274.001(3), Government Code.

Section 22. Entire Agreement: This Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements, and understandings, oral or written, between the parties relating to this Agreement. This Agreement may not be modified except by mutual written agreement of the parties executed subsequent to this agreement.

Section 23. Severability: In the event that any provision(s) of this Agreement shall for any reason be held invalid, illegal, or unenforceable, the invalidity, illegality or unenforceability of that provision(s) shall not affect any other provision(s) of this Agreement, and it shall further be construed as if the invalid, illegal, or unenforceable provision(s) had never been a part of this Agreement.

Section 24. Address and Notices, and Communication: The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications ("Notice") required to be given by one party to the other party under this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party, (i) by delivering the same in person, (ii) by depositing the same in the United States mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, or (iii) by depositing the same with a nationally recognized courier service guaranteeing "next day delivery," addressed to the party to be notified, (iv) by sending the same by telefax with confirming copy sent by mail, or (v) by sending the same by electronic mail with confirming copy sent by mail. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received

by the party to be notified. For the purposes of notice, the addresses of the parties, until changed by providing written notice in accordance hereunder, shall be as follows:

All notices and communications under this Agreement shall be mailed to the CONTRACTOR at the following address:

**Texas Festival & Tourism
Consulting (“CONTRACTOR”)
Michael Baxter, CEO
5315-B FM 1960 W #354
Houston, TX 77069
michaelbaxter@texasfestivalandtourismconsulting.com
Phone: (281) 222-4775**

All notices and communications under this Agreement shall be sent to the following address:

Sealy Economic Development Corporation and Sealy
Attn: Bill Atkinson
330 Main Suite 8
Sealy, TX 77474
BAtkinson@ci.sealy.tx.us
Phone: (979) 627-6121

SIGNATURES TO FOLLOW

For City of Sealy, Texas:

Signature

Kimbra Hill, Sealy City Manager, City of Sealy

Date

For Contractor:

Signature

Name and title

Date

EXHIBIT A

PROPOSAL

As discussed earlier, I would initially work in conjunction with the City of Sealy Tourism to help improve the holiday themed "Fantasy of Lights" and the annual "Spring Fest" through, but not limited to, the following:

1. *Evaluation of the events as they now exist*
2. *Confirmation, in my opinion, of what is currently being done well or could use some tweaking*
3. *Make suggestions for how we can improve the events in areas such as:*
 - entertainment
 - overall aesthetics including on-site signs, banners, flagging, etc.
 - community participation and volunteerism
 - sponsorships
 - various marketing options both traditional and social
 - on-site activities for festival goers, i.e. carnival, competitive eating, mattress racing or corn hole tournament
 - event budgeting
 - public safety
4. *Help create a guest survey to evaluate the projects after completion*
5. *Help create a community survey to determine residents' views on existing and future events*

If a new festival is to be created, I would help coordinate the above tasks as well as other activities needed to make that event happen.

FEE STRUCTURE

This agreement would be structured as individual projects for simplicity.

- **QUOTE:** "Festival of Lights" - \$5,000
- **QUOTE:** "Spring Fest" - \$5,000
- **QUOTE:** Yet to be determined 2026 festival - \$5,000

In addition to the per event quotes above, overnight accommodations, if necessary, and event related mileage based on current IRS rates will apply and be billed separately.

LOCAL CERTIFICATIONS

ATTACHMENT I: HOUSE BILL 89 VERIFICATION

I, _____ [Person Name] the undersigned representative of
_____ [Company or Business Name]
(hereafter referred to as Company) being an adult over the age of eighteen (18) years of age, does hereby
depone and verify that the Company named above, under the provisions of Texas Government Code Chapter
2271:

1. Does not currently boycott the country of Israel; and
2. Will not boycott the country of Israel during the term of the contract with City of Sealy, Texas.

Pursuant to Section 2270.001, Texas Government Code:

1. "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and

2. "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.

3. Pursuant to Section 2270.002 of the Texas Government Code, Respondent certifies that either

- a. it meets an exemption criterion under Section 2270.002; or
- b. it does not boycott Israel and will not boycott Israel during the term of the contract resulting from this solicitation. Respondent shall state any facts that make it exempt from the boycott certification in its Response. (HB 793 –exemptions).

EXEMPTIONS APPLY TO THE FOLLOWING:

- A. Contract between a governmental entity and a company with less than 10 full-time employees
- B. Contract has a value of less than \$100,000 paid wholly or partly from public funds of the governmental entity

Signature: _____ Date: _____

ATTACHMENT II:

DISCLOSURE OF BUSINESS RELATIONSHIPS WITH IRAN, SUDAN, OR A FOREIGN TERRORIST ORGANIZATION

Texas S.B. 252 (Effective 9/1/2017): provides that (1) the City may not enter into a governmental contract with a Provider that is identified on a list prepared and maintained by the comptroller and that does business with Iran, Sudan, or a foreign terrorist organization; and (2) a company that the United States government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, its federal sanctions regime relating to Iran, or any federal sanctions regime relating to a foreign terrorist organization is not subject to contract prohibition under this subchapter.

By signing below, Offeror acknowledges that it has read and understands that it does not appear on the list maintained by the Texas Comptroller of Public Accounts.

Name of Offeror: _____

Signature of Authorized Representative: _____

Date: _____

**ATTACHMENT III:
HISTORICALLY UNDERUTILIZED BUSINESS CERTIFICATION**

Historically Underutilized Businesses (HUBs), minority or women-owned or disadvantaged businesses enterprises (M/W/DBE) are encouraged to participate in the solicitation process. The City recognizes the certifications of the State of Texas Program administered by the Texas Comptroller of Public Accounts.

For consideration of points in the evaluation process, an offeror who is certified by the Comptroller as a HUB with active status should complete the information at the bottom of this page.

Companies seeking information concerning HUB certification should contact:

State of Texas HUB Program
Texas Comptroller of Public Accounts
Lyndon B. Johnson State Office Building
111 East 17th Street
Austin, Texas 78774
(512) 463-6958
<http://www.window.state.tx.us/procurement/prog/hub/>

Vendor CMBL Information as Registered with Texas Comptroller's Office

Vendor ID from CMBL: _____

Vendor Name from CMBL: _____

HUB Status is active: Yes _____ No _____

Date HUB Status: _____

Expires: _____

Acknowledgment

By signing its submission, Offeror acknowledges that it has read and understands the above requirements for acceptance of the Offeror's Statements of Qualification.

Name of Offeror: _____

Signature of Authorized Representative: _____

Date: _____

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

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

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

J. Executive Session

Item #16

Item #17

*Reports or Requests
from the City Manager
and Discussion*

Item #18
Reports,
Announcements, or
Requests from
Councilmembers

K. Adjourn