



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, APRIL 6, 2020 at 6:00 P.M.**

Mayor:

Brooks Bass

Council Members:

Ken Green

Jerry Cain

Sandra Loeza

Roy Yates

City Manager:

Timothy Kelty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, THE 6TH DAY OF APRIL 2020, AT 6:00 P.M., AT THE FREEPORT POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD, FREEPORT TEXAS

BECAUSE OF THE PUBLIC HEALTH THREAT, THE MEETING WILL BE CLOSED TO ATTENDANCE IN PERSON BY THE GENERAL PUBLIC. THE GENERAL PUBLIC MAY JOIN THE PUBLIC MEETING REMOTELY BY TELECONFERENCE BY DIALING:

(978) 990-5000 AND USING ACCESS CODE 522390

OR

AUDIO VISUAL CONFERENCE CALL USING:

PCs, Macs®, Chromebooks™, iOS and Android™ phones and tablets.

For users wanting to view and listen to the council meeting via a web browser go to

https://join.freeconferencecall.com/freeport_city_council_04062020

enter access code 522390 and the online meeting code is freeporttx city council.

OR

Visit the App Store or Google Play to download FreeConferenceCall. Enter the phone number, access code and online code listed above to view the meeting.

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: *The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

CITIZENS' COMMENTS:

Members of the public are allowed to address the City Council at this time. *Note*, comments must be submitted electronically, and must include name and address specific factual information or a recitation of existing policy may be furnished in response to an inquiry made, but any deliberation, discussion, or decision with respect to any subject about which the inquiry was made shall be limited to a proposal to place such subject on the agenda for a subsequent meeting for which notice is provided in compliance with the Texas Open meetings Act unless said notice appears herein. The public is reminded that there is a (4) minute time limit as approved by City Council on June 21, 2010.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff.

1. Proclamation of the City of Freeport designating April 2020 Fair Housing Month. **(Kelty)**
2. Presentation by Brazoria County SPCA.
3. Emergency management briefing COVID-19. **(Motley/Garivey)**

REGULAR SESSION:

4. Consideration and possible action on the approval of City Council meeting minutes from March 20, 2020 Emergency Meeting and March 23, 2020. **(Wells)**
5. Consideration and possible action on Resolution No. 2020-2625 a resolution providing a temporary amendment to the Freeport Personnel Policy Handbook. **(Ferguson)**
6. Consideration and possible action approving Resolution No. 2020-2623 to designate authorized signatory for Hurricane Harvey Disaster Recovery Program Contract. **(Motley)**
7. Consideration and possible action approving Resolution No. 2020-2624 adopting required Community Development Block Grant (CDBG-DR) Civil Rights Policy. **(Motley)**

WORK SESSION:

8. **The City Council may deliberate and make inquiry into any item listed in the Work Session.**
 - A. Mayor Brooks Bass announcements and comments.
 - B. Councilman Green Ward A announcements and comments.
 - C. Councilman Cain Ward B announcements and comments.
 - D. Councilwoman Loeza Ward C announcements and comments.
 - E. Councilman Yates Ward D announcements and comments.
 - F. City Manager Tim Kelty announcements and comments.
 - G. Updates on current infrastructure.
 - H. Update on reports / concerns from Department heads.

CLOSED SESSION:

9. Executive Session regarding economic development (Project Wing Tip) in accordance with Government Code Annotated, Chapter 551, Sections 551.087.

COUNCIL BUSINESS – REGULAR SESSION:

ADJOURNMENT:


10. Adjourn.

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, in accordance with Open Meetings Act.



Betty Wells, City Secretary
City of Freeport, Texas

PROCLAMATION

WHEREAS, the Department of Housing and Urban Development has initiated the sponsorship of activities during the month of April of each year designed to reinforce the Department's commitment to the concept of Fair Housing and Equal Opportunity; and

WHEREAS, CITY OF FREEPORT affirmatively supports the efforts of the Federal Government and the State of Texas to assure equal access to all Americans to rental housing and homeownership opportunities; and

WHEREAS, CITY OF FREEPORT welcomes this opportunity to reaffirm its commitment to provide equal access to housing to all of its residents without regard to race, color, religion, sex, disability, familial status, national origin or source of income; and

WHEREAS, CITY OF FREEPORT affirmatively supports programs that will educate the public concerning their rights to equal housing opportunities and to participate in efforts with other organizations to assure every person their right to fair housing; and

WHEREAS, CITY OF FREEPORT is honored to join the Federal Government, the State of Texas, and local jurisdictions across America in celebrating the rich diversity of our people and the right of all citizens to live where they choose without fear of discrimination.

NOW, THEREFORE, be it resolved, the CITY OF FREEPORT, does hereby proclaim April as the month to celebrate and honor all efforts which guarantee the right to live free of discriminatory housing practices and proclaim this month as:

“FAIR HOUSING MONTH”

and urge all local officials and public and private organizations to join activities designed to further Fair Housing objectives.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of

_____ to be affixed this the _____ day of _____, 2020.

Mayor

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Friday, March 20, 2020 at 3:30 p.m. at the Freeport City Hall, 2nd Floor 200 West 2nd Street, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Brooks Bass: Present Via Teleconference
Councilman Jerry Cain: Present Via Teleconference
Councilman Ken Green: Present
Councilwoman Sandra Loeza: Present Via Teleconference
Councilman Roy E. Yates: Present

Staff: Tim Kelty, City Manager
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney
Laura Tolar, Assistant City Secretary/ Special Projects Coordinator
LeAnn Strahan, Freeport Destination Director
Clarisa Molina, Administrative Assistant

Visitors By Teleconference:

Eric Hayes	Jessie Parker
Pamela Tilley	Lila Diehl
Derrick Edwards	Douglas Dominguez

Call to order.

Mayor Brooks Bass called the meeting to order at 3:30 p.m.

Citizen's Comments

Eric Hayes asked council how will postponing the election affect future elections and time frames for the future positions? City Attorney Chris Duncan said that the Governor passed on March 18, 2020 and suspended the Election Code which will allow cities to delay elections until November 3, 2020. Mr. Duncan said that people who are in office now and hold a position, their term will continue until the election in November. The candidates, whether incumbent or newly elected in November, will serve their term until the next election in May of 2022. Mr. Duncan said that this does not extend the filing period, nor open it up for new candidates to file. There will be a new Election Notice signed by the Mayor closer to time of election.

REGULAR SESSION

Consideration and possible action to adopt Ordinance No.2020-2597 an Ordinance Ordering the postponement of the 2020 General Election from the May 2, 2020 Uniform Election Date to the Regular General Election Date of November 3, 2020 in response to COVID- 19 Pandemic.

Mayor Bass presented the Ordinance No. 2020-2597 ordering the postponement of the 2020 General Election from the May 2, 2020 Uniform Election Date to the Regular General Election Date of November 3, 2020 in response to COVID- 19 Pandemic.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye", 5-0, Council unanimously approved Ordinance No.2020-2597 an Ordinance Ordering the postponement of the 2020 General Election from the May 2, 2020 Uniform Election Date to the Regular General Election Date of November 3, 2020 in response to COVID- 19 Pandemic.

Consideration and possible action for Ordinance No. 2020-2598 postponing the May 2, 2020 City Charter Election until November 3, 2020.

Mayor Bass presented Ordinance No. 2020-2598 Consideration and possible action for Ordinance No. 2020-2598 postponing the May 2, 2020 City Charter Election until November 3, 2020.

On a motion by Councilman Green, seconded by Councilman Cain, with all present voting "Aye", 5-0, Council unanimously approved Ordinance No.2020-2598 postponing the May 2, 2020 City Charter Election until November 3, 2020.

Adjourn

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting "Aye", Mayor Brooks Bass adjourned the meeting at 3:47 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas

State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Monday, March 23, 2020 at 6:00 p.m. at the Freeport Police Department, Municipal Court Room, 430 North Brazosport Boulevard, Freeport Texas for the purpose of considering the following agenda items:

City Council: Mayor Brooks Bass: Via Teleconference
Councilman Jerry Cain
Councilman Ken Green
Councilwoman Sandra Loeza
Councilman Roy E. Yates

Staff: Tim Kelty, City Manager
Stephanie Russell, Assistant City Manager
Betty Wells, City Secretary
Chris Duncan, City Attorney
Courtland Holman, Freeport EDC Director
Ray Garivey, Freeport Police Department Chief
Lance Petty, Freeport Public Works Director
Brenda Miller-Ferguson, Human Resource Director via Teleconference
Clarisa Molina, Freeport Administrative Assistant via Teleconference

Visitors Via Teleconference:

Vander Williams Jessie Parker
Manning Rollerson Eric Hayes
Amador Muraira

Call to order.

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

Citizen's Comments

Manning Rollerson said that he just found out that the elections were cancelled. He said that he did not get any notice. Mayor Brooks Bass explained to Mr. Rollerson that council called an Emergency Meeting per our Charter in regard to the postponing our elections. County officials said that we had to decide if the city was going to postpone the election or continue. Council voted at the Emergency Meeting on March 20 to postpone the city's General Elections for Ward A and C as well as the Charter Election with eight proposed amendments, to November 3, 2020.

Jessie Parker asked who can we report price gouging to? City Manager Tim Kelty said that the complaint will be filed with the Attorney General's Office.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council meeting minutes from March 20, and March 23, 2020.

Consideration of approving agreement for specialized professional ambulance billing services with Emergicon for Freeport EMS.

Consideration of approving the renewal of the Hurricane Response Monitoring Contract.

On a motion by Councilman Yates, seconded by Councilman Green, with all present voting "Aye", 5-0 Council unanimously approved the Consent Agenda.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff

There were no presentations/announcements.

REGULAR SESSION

Discussion and consideration regarding authorizing the City Manager to secure an electricity contract.

Assistant City Manager Stephanie Russell presented to council staff's recommendation authorizing the City Manager to secure at least 108-month term contract to not exceed 4.1 cents per kilowatt hour. Ms. Russell said that the City has a current contract that is \$0.0386/kwh with Engie Resources that will expire in August. Ms. Russell said that the City will be working under a cooperative contract, and that the rates change daily. She said that the goal is to secure a rate as close to our current rate. Mayor Bass asked if the price decreases with a longer-term contract? Ms. Russell said yes, and that staff recommends securing a longer-term contract.

On a motion by Councilwoman Loeza, seconded by Councilman Yates, with all present voting "Aye", 5-0 Council unanimously approved authorizing the City Manager to secure an electricity contract.

Consideration and possible action to approve Ordinance No. 2020-2599 an ordinance ratifying, affirming and extending the Declaration of Disaster and Public Health Emergency for the City of Freeport.

City Manager Tim Kelty presented to Council an Ordinance to ratify, affirm and extend the Declaration of Disaster and Public Health Emergency for the City of Freeport. Mayor Bass said that this allows the City to receive reimbursement from the State. Mayor Bass said that once this is declared it can be done by the sole option of the Mayor. Mr. Kelty said that this Ordinance will put the declaration into place until council passes and ordinance to remove it. Mr. Kelty said some of the things that the City is doing to keep people safe is, the City's Rec Center, and Museum has been closed. The city has taken extra precaution by assigning some of city staff to do cleaning of door handles, stairs rails, and things that the public may come in contact with. Public meetings have been closed to the public, but the meetings have been made on teleconference so that the public can still listen and participate from a safe distance. The City's Golf Course, Parks and Beach is still open, and we are full staffed, city wide. Mr. Kelty said that staff recommends that this Ordinance be passed to extend the declaration that was adopted.

On a motion by Councilwoman Loeza, seconded by Councilman Cain, with all present voting "Aye" 5-0 Council unanimously approved Ordinance No. 2020-2599 an ordinance ratifying, affirming and extending the Declaration of Disaster and Public Health Emergency for the City of Freeport

Consideration of approving Freese and Nichols Engineering for authorization for Bryan Mound Sewer.

City Manager Tim Kelty presented to Council the consideration of approving action on task #9 with Freese and Nichols Engineering for the design for extension of sanitary sewer for the Department of Energy at Bryan Mound. Mr. Kelty said that last year City Council approved an agreement with the Department of Energy, Bryan Mound. He said that in this agreement each step we take we let them approve before we go forward. Freese and Nichols has developed an engineering proposal to development the design and specifications, the Department of Energy has reviewed this and has approved this proposal. Mr. Kelty said that under this agreement, the Department of Energy will reimburse the City 100% of the cost of all Engineering Design, ROW, and construction. Mayor Brooks Bass asked how long before the city receives reimbursement? Mr. Kelty said as each payment is made, we will submit for reimbursement, he said maybe forty-five day turn around.

On a motion by Councilwoman Loeza, seconded by Councilman Green, with all present voting, "Aye" 5-0, Council unanimously approved Freese and Nichols Engineering task #9, for authorization for Bryan Mound Sewer.

WORK SESSION:

Mayor Bass said that he is very proud of how the City workers have responded and has kept the City running. He said that the City must follow the Governor's orders. Mayor Bass said that he, both Chiefs and the City Manager have been on calls every day with the County Judge. The Mayor also said that he has heard of no COVID-19 cases in the City of Freeport. Mayor Bass said to be mindful, be alert, and do not panic we will get through this.

Councilman Green said that he sees roads in Ward A are being fixed, and that the Street Department is doing a great job.

Councilman Cain said that he is impressed and proud that there are no positive cases in the City of Freeport. He said he wants to continue to stress the importance to use soap and water, hand sanitizer, keep social distancing. Mr. Cain said that we need to make sure that our first responders and city employees have the items that are needed. Councilman Cain said to remember our local businesses, you can pick up orders to go. Local stores he said are restocking.

Councilwoman Loeza asked about the heavy trash pickup around the City. She said that there is a lot of trash on the roads, and it looks horrible. Tim Kelty said that he will check into this. Councilwoman also asked what business is going into the building across from the Arlan's Shopping Center. Mr. Kelty said that there is a Dialysis Center moving there.

Councilman Yates said that he has seen trash being picked up, but there is a lot to be picked up.

City Manager Tim Kelty said that this last month the application was submitted to the Texas Water Development Board. He said that this is for about 12 million dollars' worth of water and sewer improvements. This is the preliminary application; the full application will be submitted in September. He said that we should be eligible for 30 percent to be grant funded, and the remainder with a very low

interest rate. Mr. Kelty said that he appreciates staff. Mr. Kelty also welcomed Lance Petty, the city's new Public Works Director

Freeport Fire Chief Chris Motley addressed Council about the COVID-19. He said that we have been very diligent with working with the County and other partners. Chief Motley said last Monday was the city's first Emergency Meeting, Dr. Anderson was in our meeting. Dr. Anderson was able to answer questions. We have had safety meetings with our employees explaining what the Corona Virus is, how to prevent it and information to take home to families. Chief Motley said that events have been cancelled, and there are daily conference calls with the Department of Health this is where the daily stats come from. Chief Motley said stay calm, stay healthy, take care of yourself. Social Distant, wash hands. He said that this will be a slow process, it is not like a hurricane with an eye and you know where it will go, and when. Chief Motley said to please follow all the guidelines.

Freeport Police Chief Raymond Garivey addressed Council he said that the PD is open for business. Chief Garivey says if call allows, they will ask that the caller step outside. He said that they are trying to take calls over the phone and keep people out of the Department. Chief Garivey said that the jail is not closed, if you break the law you will still go to jail. He thanked the ladies from Parks Department on the outstanding job of cleaning the facilities every two hours.

Update on reports / concerns from Department heads

Open session was closed at 6:52 pm and Council entered into Executive Session.

CLOSED SESSION:

Executive Session regarding a.) economic development (Projects 2019-2 and 2019-3) and b. Attorney Consultation (Possible Litigation) and, c. Deliberation about Real Property (Project 2020-1) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 551.071, 551.072, and 551.087.

No action taken.

REGULAR SESSION

Mayor Pro Tem Sandra Loeza opened regular session at 7:43 P.M.

Adjourn

On a motion by Councilman Cain, seconded by Councilman Green, with all present voting "Aye", Mayor Pro Tem Sandra Loeza adjourned the meeting at 7:44 PM.

Mayor, Brooks Bass
City of Freeport, Texas

City Secretary, Betty Wells
City of Freeport, Texas



City Council Agenda Item # 5

Title: Consideration and possible action on Resolution No. 2020-2625, a resolution amending the Freeport Personnel Policy Handbook.

Date: 04/06/2020

From: Brenda Ferguson, Director of Human Resources

Staff Recommendation: Staff recommends approving this Resolution.

Item Summary:

This Resolution adopts changes to the Freeport Personnel Policy Handbook regarding Emergency Leave.

Background Information:

Two of the three polices reflect temporary changes that are the result of Federal legislation which mandates certain emergency sick leave and emergency family and medical leave policies in response to the ongoing COVID-19 Pandemic. The “Temporary Emergency Paid Sick Leave Policy” allows an employee is eligible for up to 80 hours of paid sick leave. The “Temporary Emergency Family & Medical Leave Expansion Policy,” allows an employee may be eligible to take up to twelve (12) weeks off from work for a “qualifying need related to a public health emergency”. Both of these policies have a sunset date of December 31, 2020.

The third policy addresses a need in our personnel policy because the Emergency Event Leave policy was previously designed for Hurricane situations and not for other declared emergencies. It allows full-time employees to realize an appropriate negative sick leave balance up to 80 hours after they have exhausted all other applicable accrual balances such as vacation, and compensatory time. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the City either through future accruals or cash payment.

The Federal mandates allows the City to exclude first responders to ensure critical public safety operations are maintained. However, he permanent addition to the City’s Personnel Policy would be applicable to them. Additionally, this policy grants first responders an additional 80 hours to ensure they receive the same leave afforded to other employees by the mandate.

Special Consideration:

The circumstances that make these actions important include Legislation mandated in response to the COVID-19 virus pandemic.

Board or 3rd Party recommendation: Parts of these policies are mandated by Federal legislation.

Financial Impact: For qualifying causes mandated in legislation, addition payroll expense may be incurred for Emergency Paid Sick Leave [EPSL] and/or Emergency FMLA [EFMLA]. The financial impact is difficult to predict because it would be incurred as a direct result of COVID-related employee absences.

Supporting Documentation: Resolution, Personnel Policy Change Exhibits

RESOLUTION NO. 2020-2625

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS ESTABLISHING A TEMPORARY PAID SICK LEAVE POLICY; ESTABLISHING A TEMPORARY EMERGENCY FMLA POLICY; AND ESTABLISHING A PERMANENT EMERGENCY EVENT LEAVE POLICY AND APPROVING ITS ADDITION TO THE PERSONNEL POLICY HANDBOOK.

WHEREAS, a novel coronavirus, now designated COVID-19, has been declared a global pandemic; and.

WHEREAS, the United States Congress passed the Families First Coronavirus Response Act (FFCRA) effective April 1, 2020; and

WHEREAS, the U.S. Department of Labor promulgated new regulations to implement public health emergency leave under the Family and Medical Leave Act, effective April 1, 2020 through December 21, 2020; and

WHEREAS, on March 20, 2020 Mayor Bass, signed a Declaration of Disaster governing the City of Freeport, Texas; and

WHEREAS, on March 25, 2020 Matt Sebesta, Brazoria County Judge, issued a county-wide disaster order entitled the “Brazoria County Stay Safe at Home Order” restricting activities for all persons in Brazoria County; and

WHEREAS, Gregg Abbott, Governor of the State of Texas Declared a State of Disaster for the State of Texas on March 13, 2020 due to COVID-19; and

WHEREAS, on March 19, 2020, Dr. John Hellerstedt, Commissioner of the Department of State Health Services signed a Public Health Disaster Declaration for the State of Texas; and

WHEREAS, Gregg Abbott, Governor of the State of Texas, issued Executive Orders related to COVID-19 on March 19, March 24 and March 26, 2020; and

WHEREAS, it is the primary responsibility of the emergency management organization of the City of Freeport, including but not limited to the Freeport Police Department, Freeport Fire and EMS to respond to these pandemic conditions, and implement and ensure compliance with all COVID-19 related orders governing the jurisdiction of the City of Freeport, whether issued by the state, county, or the Mayor of Freeport;

WHEREAS, the City of Freeport must enact temporary emergency leave policies that specifically respond to the current pandemic conditions.

WHEREAS, reassessment of the existing emergency leave policy, has made apparent the necessity to also make permanent changes updating the city’s emergency leave policy.

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

SECTION 1. EMERGENCY EVENT LEAVE POLICY. That the City Council of the City hereby approves and adopts the Emergency Event Leave Policy attached hereto as Exhibit "A" and approves its addition to the Personnel Policy Handbook as a permanent personnel policy of the City, which shall take effect as of April 1, 2020.

SECTION 2. TEMPORARY PAID SICK LEAVE POLICY. That the City Council hereby approves and adopts the Temporary Paid Sick Leave Policy attached hereto as Exhibit "B", which shall take effect as of April 1, 2020 and expire December 31, 2020.

SECTION 3. TEMPORARY EMERGENCY FMLA POLICY. That the City Council hereby approves and adopts the Temporary Emergency FMLA Policy attached hereto as Exhibit "C", which shall take effect as of April 1, 2020 and expire December 31, 2020.

SECTION 4. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Read, passed and adopted the _____ day of _____, 2020.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Betty Wells, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

Christopher Duncan, City Attorney
City of Freeport, Texas



12.05 Emergency Event Leave Policy

Purpose

The purpose of this policy is to provide guidance and instruction to employees on how to manage time away from work if a leave of absence is needed during a declared emergency event.

Background

In the event of a wide scale emergency, and when authorized by the City Manager or an authorized designee, the City of Freeport must balance a variety of objectives when determining how best to ensure the continuity of operations and reduce the impact on the workplace. In the event an emergency rises to the level that results in school dismissals, child care program closures, quarantine, and the like, it will permit an employee appropriate time away from work to provide care for their children, themselves and/or other immediate family members in a manner that allows for the continuity of the required City operations and service delivery.

Definitions

- **FMLA (Family Medical Leave Act)** – As authorized by Personnel Policy Handbook, a leave designation that applies to qualified employees experiencing serious health conditions themselves or by their immediate family members and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker's compensation, as well as leave without pay.
- **Leave of Absence** – As authorized by Personnel Policy Handbook, a leave designation that applies to situations not covered by FMLA and which runs concurrently with other types of leave, such as sick leave, vacation leave, short-term disability, and worker's compensation, as well as leave without pay.
- **Telecommuting** – an arrangement in which an employee regularly performs work at an alternative work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Freeport business, does not constitute telecommuting.

Scope

This policy will take immediate effect whenever an emergency declaration is executed by the Mayor. This policy will remain in effect until the City determines that the circumstances causing the emergency declaration have been resolved. No part of this policy will be effective to the extent it conflicts with State or Federal law.

Procedures & Responsibilities

If an emergency is declared by the Mayor, employees may be forced to evacuate from their worksite and perform work from home, while others may need to take sick leave to recuperate from illness or assist with caring for immediate family members. It is important that all employees understand the various pay and leave flexibilities that may be utilized during an emergency crisis and to enable employees to stay home either for their safety or when ill, to care for an ill family member and/or dependent, or their children's schools or childcare programs close, or dismiss as a result of the emergency. Employees required to stay home to take care of a

child where the school or day care has closed, but there is no illness, will not qualify for the use of sick leave accruals under the current policy.

Therefore, in the event of an emergency, the City reserves the right to adjust its leave policies, as well as may allow eligible employees to realize an appropriate negative sick leave balance. Before an employee shall be allowed to enter into a negative sick leave balance they shall have exhausted all other applicable accrual balances such as vacation, and compensatory time. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave in the event a local emergency is declared by the City Manager or authorized designee. In addition to the first 80 hours, First Responders may be permitted to accrue up to 80 hours of additional negative sick leave. To be eligible, the employee must be a full-time employee, exempt or non-exempt, who work a minimum of forty (40) hours per week on a regular basis and have exhausted all other accrued leave balances. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the City either through future accruals or cash payment.

If the leave qualifies as FMLA-protected leave, the City will require the employee to use paid sick leave, vacation leave, and other accruals pursuant to the FMLA policy in the Employee Policy Manual.

If State or Federal mandates or laws amend or expand FMLA-protected leave or leave provisions for employees, the City will comply accordingly.

If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining.

During an emergency, the City may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.

In the event of a wide scale emergency or pandemic, where the employee is not ill, the employee may not take leave, or refuse to work, simply to avoid possible exposure to a causative agent in the workplace. Employees who may have a disability that creates an increased risk associated with the emergency are encouraged to notify HR in order to seek an accommodation under The City's disability policy.

Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to disciplinary action in accordance with City policy up to and including termination.

If the need arises, employees who hold positions that are suitable for telecommuting may enter into a Telecommuting Work Arrangement approved by the City Manager.

Accountability

Employees who are found to be in violation of any part of this policy may be subject to disciplinary action as outlined in the Personnel Policy Handbook.

Enforcement

Human Resources will be responsible for the enforcement of this policy.



Exhibit B

TEMPORARY EMERGENCY PAID SICK LEAVE POLICY

In accordance with the Emergency Paid Sick Leave Act (EPSLA), an employee is eligible for up to 80 hours of paid sick leave.

EFFECTIVE DATE:

This policy is effective on April 1, 2020 through December 31, 2020.

ELIGIBLE EMPLOYEE:

Any full-time or part-time employee currently employed by the City. This policy does **NOT** apply to Emergency Responders.

REASONS FOR EMERGENCY PAID SICK LEAVE:

For the purpose of this policy, and in accordance with Emergency Paid Sick Leave Act, an employee is eligible to receive paid sick leave for the following reasons:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine because of COVID-19.
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for a family member subject or advised to self-quarantine or isolation;
5. The employee is caring for a son or daughter whose school or place of care is closed, or child care is unavailable, due to COVID-19;
6. Employee is experiencing substantially similar condition specified by Department of Health and Human Services

COORDINATION OF PAY:

Employees may receive Emergency Paid Sick Leave at the employee's regular rate of pay, unless the leave is to care for a family member (for reasons 4, 5 and 6 above), then sick leave will be paid at two-thirds the employee's regular rate.

Full-Time employees – may receive up to a maximum of 80 hours of Emergency Paid Sick Leave

Part-Time employees – may receive the number of hours that the employee works, on average, over a two-week period of Emergency Paid Sick Leave.

Emergency Paid Sick Leave is limited to 80 hours for full-time employees and to the number of average hours worked in a two-week period for part-time employees, and ends when the leave has been exhausted; the need causing the employee's eligibility for the leave ends, or on the expiration of the law (December 31, 2020), whichever is earlier.

If the employee needs more time than what is allowed by the EPSL Act, then the employee may use his or her accrued leave time (e.g. sick leave, vacation, personal, floating holiday, holiday bank, and comp-time). When all time has been exhausted the employee may be allowed to go into negative sick hours, as described in the Temporary COVID-19 Policy adopted by the City of Seabrook on March 13, 2020.

EMPLOYEE'S NOTICE REQUIREMENTS:

Employees will need to submit a request in writing to Human Resources for Emergency Paid Leave. The employee must notify his or her supervisor and/or the Department Director of the need for leave.

SUPERVISOR'S NOTICE REQUIREMENTS:

All supervisors must immediately notify both their Department Director and Human Resources, if an employee informs them of the need for leave under the Emergency Paid Sick Leave Policy.

REQUIRED DOCUMENTATION:

The employee will need to complete an Emergency Paid Leave Request form provided by Human Resources.



Exhibit C

TEMPORARY EMERGENCY FAMILY & MEDICAL LEAVE EXPANSION POLICY

In accordance with the Emergency Family and Medical Leave Expansion Act (EFMLEA), an employee may be eligible to take up to twelve (12) weeks off from work for a “qualifying need related to a public health emergency”.

EFFECTIVE DATE:

This policy is effective on April 1, 2020 through December 31, 2020.

ELIGIBLE EMPLOYEE:

Any full-time or part-time employee that has been employed by the City for a minimum of 30 calendar days is eligible to for Emergency Family and Medical Leave. This policy does **NOT** to apply to Emergency Responders.

REASONS FOR EFMLEA:

For the purpose of this policy, and in accordance with EFMLEA Act, a “qualifying need related to public health emergency” is limited to circumstances where an employee is unable to work (or telework) to care for a minor child if the child’s school or place of child care has been closed or is unavailable due to a public health emergency.

COORDINATION OF PAY:

The first two (2) weeks off under EFMLEA are unpaid, however an employee may elect to use accrued sick leave, vacation accruals, holiday bank, floating holidays, personal day, comp-time and Emergency Sick Pay (See Emergency Sick Leave Policy) to substitute for unpaid leave according to the provisions of the Emergency Family and Medical Leave Expansion Act. The remainder of the ten (10) weeks will be paid at 2/3 of the employee’s regular rate, for the number of hours the employee would otherwise be scheduled to work. The employee may elect to use accrued sick leave, vacation accruals, holiday bank, floating holidays, personal day and comp-time to supplement their pay in an effort to receive their full regular rate.

EMPLOYEE’S NOTICE REQUIREMENTS:

In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take EFMLEA leave must provide both his/her Department Director and Human Resources with at least **two days** advance notice when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and Human Resources with as much advance notice as possible.

SUPERVISOR’S NOTICE REQUIREMENTS:

All supervisors must immediately notify both their Department Director and Human Resources, if an employee's absence is due to the EFMLEA-covered reason.

REQUIRED DOCUMENTATION:

The employee will need to complete a Request for Emergency Family Medical Leave form. The employee must notify his or her supervisor and/or the Department Director of the need for leave.

BENEFITS DURING EFMLEA LEAVE:

During any period of EFMLEA leave, the City will continue to pay its portion of any group health insurance coverage for the employee on the same terms as if the employee had continued to work.

JOB RESTORATION AFTER FMLA LEAVE:

Upon return from EFMLEA leave, an employee will be restored to his/ her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

EFFECT ON MARRIED COUPLES:

If a City employee is married to another City employee and either or both employees request Emergency Family and Medical leave to care for a minor child if the child's school or place of child care has been closed or is unavailable due to a public health emergency, the total time allowed shall be limited to no more than twelve (12) weeks combined.



City Council Agenda Item # 6

Title: Discuss, consider and adopt resolution to designate authorized signators for Hurricane Harvey Infrastructure CDBG Disaster Recovery Program contract 20-065-050C158

Date: April 6, 2020

From: Christopher D. Motley, Fire Chief

Staff Recommendation: Staff recommends the adoption of the resolution to designate authorized signators for Hurricane Harvey CDBG contract 20-065-050-C158

Item Summary: To appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office. The Mayor, City Manager and City Secretary are authorized to execute contractual documents between the Texas General Land Office and the City for the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program. The Mayor and Finance Director are authorized to execute the State of Texas Purchase Voucher and Request for Payment Form documents required for requesting funds approved in the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program.

The City of Freeport received an award letter for a Community Development Block Grant – Disaster Recovery (CDBG-DR funds from Hurricane Harvey distributed by Houston Galveston Area Council (HGAC) for local infrastructure.

Background Information: This policy adoption is a part of the CDBG grant application.

Special Considerations: None

Financial Impact: None

Board or 3rd Party recommendation: None

Supporting Documentation: Resolution Authorizing Signatories

RESOLUTION NO. 2020-2623 AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COUNCIL OF CITY OF FREEPORT DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM (CDBG-DR) CONTRACT NUMBER 20-065-050-C158.

WHEREAS, the City of Freeport has received a Hurricane Harvey - Infrastructure Community Development Block Grant - Disaster Recovery program award to provide Sewer Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

WHEREAS, an original signed copy of the CDBG-DR Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

WHEREAS, the City of Freeport acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide CDBG-DR with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-DR *Depository/ Authorized Signatories Designation Form*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FREEPORT, TEXAS, AS FOLLOWS:

SECTION 1: The Mayor, City Manager and Interim City Secretary are authorized to execute contractual documents between the Texas General Land Office and the City for the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program.

SECTION 2: The Mayor and Finance Director are authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Hurricane Harvey - Infrastructure Community Development Block Grant Disaster Recovery Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS,
on _____, 2020.

APPROVED:

Mayor

ATTEST:

City Secretary



City Council Agenda Item # 7

Title: Discuss, consider and approve a resolution adopting required CDBG-DR Civil Rights policies

Date: April 6, 2020

From: Christopher D. Motley, Fire Chief

Staff Recommendation: Staff recommends the adoption of the resolution to adopting required CDBG-DR Civil Rights policies.

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

The City of Freeport, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections. Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-DR project area

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

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

The City of Freeport, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC

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

The City of Freeport has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

The City of Freeport received an award letter for a Community Development Block Grant – Disaster Recovery (CDBG-DR funds from Hurricane Harvey distributed by Houston Galveston Area Council (HGAC) for local infrastructure.

Background Information: This policy adoption is a part of the CDBG grant application.

Special Considerations: None

Financial Impact: None

Board or 3rd Party recommendation: None

Supporting Documentation: Resolution Regarding Civil Rights

**Resolution No.2020-2624 Regarding Civil Rights
The City of Freeport, Texas**

Whereas, the City of Freeport, Texas, (hereinafter referred to as "City of Freeport") has been awarded a Community Development Block Grant – Disaster Recovery (CDBG-DR) grant from the Texas General Land Office (hereinafter referred to as "GLO");

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

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

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

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

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

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

Whereas, the City of Freeport, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing;

Whereas, the City of Freeport, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, THAT THE CITY OF FREEPORT ADOPTS THE FOLLOWING:

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

Passed and approved this _____ day of _____, 2020.

Signature of Elected Official
City of Freeport

Printed Name of Elected Official

**CITY OF FREEPORT
CITIZEN PARTICIPATION PLAN
TEXAS GENERAL LAND OFFICE (GLO)
COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR) PROGRAM**

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas General Land Office's Community Development Block Grant – Disaster Recovery (CDBG-DR) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Freeport offices, 200 W 2nd St, 200 W 2nd St, Freeport, TX 77541-5773, (Street Address), (979) 233-3526 (Phone) during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-DR project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-DR project(s), whether it is a proposed, ongoing, or completed CDBG-DR project(s), may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Freeport at 200 W 2nd St, 200 W 2nd St, or may call (979) 233-3526.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-DR program for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

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

PUBLIC OUTREACH EFFORTS

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

1. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG-DR funds are proposed to be used;

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

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by a CDBG-DR applicant or recipient, the following public hearing provisions shall be observed:

1. Furnish citizens information, including but not limited to:
 - (a) The amount of CDBG-DR funds available per application for Hurricane Harvey;
 - (b) The range of activities that may be undertaken with the CDBG-DR Hurricane Harvey funds;
 - (c) The estimated amount of the CDBG-DR Hurricane Harvey funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
 - (d) The proposed CDBG-DR activities likely to result in displacement and the unit of general local government's antidisplacement and relocation plans required under 24 CFR 570.488.
2. Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice MUST include the DATE, TIME, LOCATION and TOPICS to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.
5. City may conduct a public hearing via webinar if they also follow the provisions above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.
6. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three years after the project is closed out. Such records must be made available to the public in accordance with Chapter 552, Government Code.

Signature

Brooks Bass, Mayor
Name, Title

Date

**LA CIUDAD DE FREEPORT
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE RECUPERACIÓN DE DESASTRES EN ASIGNACIONES EN BLOQUES DE
DESARROLLO COMUNITARIO (CDBG-DR)**

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del La Oficina General de Tierras de Texas de Recuperación de Desastres en Asignaciones en Bloques de Desarrollo Comunitario (CDBG-DR) y los requisitos del gobierno local de Texas que se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de (Dirección postal City of Freeport, 200 W 2nd St, 200 W 2nd St, Freeport, TX 77541-5773, (979) 233-3526, (teléfono) durante el horario de oficina.

A continuación se presentan los procedimientos formales de quejas y reclamos relacionados con los servicios prestados en el marco del proyecto CDBG-DR.

1. Una persona que tiene una queja o reclamo sobre cualquier servicios o actividad en relación con el proyecto CDBG-DR, ya sea un proyecto propuesto , en curso o completado de CDBG-DR, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito al Mayor, a City of Freeport, 200 W 2nd St, 200 W 2nd St, Freeport, TX 77541-5773, (979) 233-3526.
2. Una copia de la queja o reclamo se transmitirá por el alcalde a la entidad que es encargada de la queja o reclamo y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que el reclamo fue recibida.
3. El alcalde deberá completará una investigación de la queja o reclamo, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la queja o reclamo dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de diez (10) días hábiles, la persona que hizo la queja o reclamo será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o reclamo y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la CDBG-DR para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado

ASISTENCIA TÉCNICA

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos CDBG-DR. La Ciudad en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

ESFUERZOS PUBLICOS

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

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

DISPOSICIONES PARA LA AUDIENCIA PÚBLICA

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

1. Proporcionar a los ciudadanos información, que incluye pero no se limita a:
 - a. La cantidad de fondos de CDBG-DR disponibles por solicitud para Huracán Harvey;
 - b. El rango de actividades que se pueden realizar con los fondos de la CDBG de Huracán Harvey;
 - c. El monto estimado de los fondos de CDBG-DR Huracán Harvey propuestos para ser utilizados en actividades que cumplirán el objetivo nacional de beneficiar a las personas de ingresos bajos y moderados; y
 - d. Las actividades propuestas de CDBG-DR que probablemente resulten en desplazamiento y la unidad de los planes generales de antidesubicación y reubicación del gobierno local requeridos bajo 24 CFR 570.488
2. El aviso público de cualquier audiencia debe ser publicado por lo menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe ser publicado en un periódico local. Cada aviso público DEBE incluir la FECHA, TIEMPO, LOCALIZACIÓN y TEMAS a ser considerados en la audiencia

pública. Un artículo de periódico publicado también puede usarse para cumplir este requisito, siempre y cuando cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben ser destacados en los edificios públicos y distribuidos a las Autoridades Locales de Vivienda ya otros grupos comunitarios interesados.

3. Cada audiencia pública se celebrará en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidades. Las personas con discapacidades deben ser capaces de asistir a las audiencias y el solicitante debe hacer arreglos para las personas que requieren ayudas o servicios auxiliares si se ponen en contacto por lo menos dos días antes de cada audiencia.
4. Cuando un número significativo de residentes que no hablan inglés puede ser razonablemente esperado para participar en una audiencia pública, un intérprete estará presente para acomodar las necesidades de los residentes que no hablan inglés.
5. La Ciudad puede conducir una audiencia pública a través de un seminario si también siguen las disposiciones anteriores. Si el seminario web se utiliza para llevar a cabo una audiencia pública, debe ponerse a disposición de los ciudadanos un lugar físico con adaptaciones razonables asociadas para garantizar que los individuos sin la tecnología necesaria puedan participar.
6. Si es aplicable, la localidad debe conservar la documentación de los avisos de audiencia, las listas de asistencia, las actas de las audiencias y cualquier otro registro referente al uso real de los fondos por un período de tres años después del cierre del proyecto. Dichos registros deben ponerse a disposición del público de conformidad con el Capítulo 552, Código del Gobierno.

Signature

Brooks Bass, Alcalde de la ciudad
Name, Title

Fecha

SECTION 3 POLICY

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

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

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

Signature

Brooks Bass, Mayor
Name, Title

Date

Excessive Force Policy

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

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

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

Signature

Brooks Bass, Mayor
Name, Title

Date

Over 5%

Limited English Proficiency Plan - 20-065-050-C158

Texas General Land Office

Community Development Block Grant-Disaster Recovery

Grant Subrecipient:	City of Freeport
Community Population:	12,082
LEP Population:	1,844 individuals 16.4%
Languages spoken: 1) by more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	Spanish

Program activities to be accessible to LEP persons:

<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding CDBG-DR application, grievance procedures, <i>complaint procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
<input checked="" type="checkbox"/>	Other program documents: Documents available in Spanish for directly assisted beneficiaries, if applicable.

Resources available to Grant Recipient:

<input checked="" type="checkbox"/>	Translation services: available upon request
<input checked="" type="checkbox"/>	Interpreter services: available upon request with prior notice
	Other resources: _____

Language Assistance to be provided:

<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>Public hearing, Complaint and Grievance, Equal Opportunity, Policy of Non-discrimination Based on Disability Status and Fair Housing notices are available in Spanish. Other CDBG required program notices are available in Spanish upon request.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons <u>Spanish-speaking liaisons are available upon request.</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>Available upon request with two days advance notice.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>Included in translated notices.</u>
	Other services: _____

Signature - Chief Elected Official or Civil Rights Officer

Date

See also: http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

Section 504 Policy against Discrimination based on Handicap and Grievance Procedures

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

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Freeport does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Freeport's recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Freeport shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the CDBG-DR program, the City of Freeport shall ensure that they are provided with the information necessary to understand and participate in the CDBG-DR program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Freeport) to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the Mayor, 200 W 2nd St, Freeport, TX, 77541-5773 or call (979) 233-3526, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
 - g. The Section 504 coordinator shall maintain the files and records of the City of Freeport relating to the complaint files.

- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Freeport within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Freeport complies with Section 504 and HUD regulations.

Signature

Brooks Bass, Mayor
Name, Title

Date

Code of Conduct Policy of the City of Freeport

As a Grant Recipient of a CDBG-DR contract the City of Freeport shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the CDBG-DR contract or impact the integrity of the procurement process.

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

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

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

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

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

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

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

Signature

Brooks Bass, Mayor
Name, Title

Date

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Community Development Block Grant (CDBG-DR) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318

Fair Housing Policy

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

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

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

Signature

Brooks Bass, Mayor
Name, Title

Date

PROCLAMATION OF APRIL AS FAIR HOUSING MONTH

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Freeport, do proclaim April as Fair Housing Month in City of Freeport and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Passed and adopted by the City Council of the City of Freeport, Brazoria County, State of Texas, on the _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

City Secretary