ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

Location:
City of Edinburg, City Hall-Council Chambers
415 W. University Drive, Edinburg, Texas

JUNE 30, 2020

REGULAR MEETING AGENDA
4:00 PM

1. **CALL TO ORDER, ESTABLISH QUORUM**

2. **CERTIFICATION OF PUBLIC NOTICE**

3. **PUBLIC COMMENTS**
   A specific portion of the meeting shall be dedicated to allowing Public Comments which will be limited to three (3) minutes. Because of the state of emergency due to the COVID-19 pandemic, public comment may be provided in-person abiding to the occupancy limits or by telephone. In-person requests shall be requested by completing the Public Comment Form available at City Council Chambers. Telephone requests shall be completed by (a) sending an email to publiccomment@cityofedinburg.com or (b) calling 956-388-8204.

   All requests must be received beginning at 9am and end immediately before the start of the meeting. Your request should include your name, address, and telephone number. We ask for everyone's cooperation in following this procedure.

4. **INTRODUCTION OF NEWLY APPOINTED BOARD OF DIRECTORS**

5. **PRESENTATION & REPORT**

   A. Presentation Regarding the City of Edinburg and the Edinburg Economic Development Corporation Alignment Structure (Administration – Ron Garza, City Manager)

6. **ADMINISTRATIVE ITEMS**

   A. Approving the Amended Bylaws of the Edinburg Economic Development Corporation.

   B. Election of officers: President, Vice President, Secretary, and Treasurer.

   C. Determination of term limits for newly appointed Board of Directors.

   D. Approving Staffing Services and Lease Agreement Between the City of Edinburg and the EEDC.

   E. Terminating the EEDC's personnel compensation plan.

F. Approving purchasing policies and procedures.

G. Approving Board of Directors' Minutes for previous board meetings. February 17, 2020, February 26, 2020, March 12, 2020, April 9, 2020, April 30, 2020, January 20, 2020, January 15, 2020, January 14, 2020, January 7, 2020, and November 26, 2020.

H. Approving EEDC Board of Directors regular meeting dates and times for 2020-2021.

7. AGREEMENTS / BIDS / CONTRACTUALS

A. Approving a Memorandum of Understanding between the Doctors Hospital at Renaissance/Health Sciences Institute at Renaissance, Texas Workforce Commission, and the EEDC for a skills training program.

B. Approving a Memorandum of Understanding (MOU) with South Texas College regarding Covid-19 training for local business.

8. EXECUTIVE SESSION

The EEDC will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings be Open. The EEDC May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

A. Discussion and Possible Action regarding employment matters. (§551.071. Consultation with Attorney; Closed Meeting; and §551.074. Personnel Matters; Closed Meeting)

B. Discussion and Possible Action regarding Real Property at 1710-1714 South 28th Ave. Edinburg, Hidalgo County, Texas and 7310 N. Liberty Drive, Edinburg, Hidalgo County, Texas. (§551.072. Deliberation Regarding Real Property; Closed Meeting)

C. Discussion and Possible Action regarding Economic Development Incentives and Sponsorships, Ocean Gate Agreement, Edinburg Plaza, and Project Dungaree (§551.087 Deliberation regarding Economic Development; Closed Meeting)

D. Discussion and Possible Action regarding pending litigation. (§551.071. Consultation with Attorney; Closed Meeting.)

E. Discussion and Possible Action regarding potential litigation. (§551.071. Consultation with Attorney; Closed Meeting.)

9. OPEN SESSION

The EEDC will convene in Open Session to take necessary action, if any, in accordance with Chapter 551, Open meetings, Subchapter E, Procedures Relating to Closed Meeting, §551.102, Requirement to Vote or Take Final Action in Open Meeting.

10. ADJOURNMENT

I hereby certify this Notice of an EEDC Meeting was posted in accordance with the Open Meetings Act, at the City Offices of the City of Edinburg, located at the 415 West University entrance outside bulletin board, visible and accessible to the general public during and after regular working hours.

This notice was posted on June 26th, 2020 by 12:00pm

By: ______________________________

Name: RON GARZA

Title: City Manager

BYLAWS OF
EDINBURG ECONOMIC DEVELOPMENT CORPORATION

These Bylaws of Edinburg Economic Development Corporation (the "Bylaws") govern the affairs of the Edinburg Economic Development Corporation (the "Corporation"), a public instrumentality and a nonprofit corporation created under the Development Corporation Act, Title 12, Subtitle C1, as amended, Texas Local Government Code, starting at section 501.001 *et seq.* (the "Act"), and other applicable laws.

SECTION I
RELATIONSHIP WITH THE CITY OF EDINBURG

1.01 Relationship with City Council

In accordance with State law, the City Council shall require that the Edinburg Economic Development Corporation be responsible to it for the proper discharge of its duties assigned in these Bylaws. The business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board of Directors (the "Board"), as more fully described below. **However, all policies, actions, and expenditures shall be submitted to the City Council for approval.** The Board shall determine its policies and direction within the limitations of the duties herein imposed by applicable laws, the Articles of Incorporation, these Bylaws, contracts entered into with the City, and budget and fiduciary responsibilities.

1.02 Relationship with Administrative Departments of the City

The Corporation shall, with approval of the City Council regarding specific terms, contract with the City of Edinburg for management services. The Board shall plan and direct its work through a designated employee of the City of Edinburg who will be charged with the responsibility of carrying out the Corporation's plan and program as adopted by the Board and approved by the City Council.

Pursuant to the terms of such contract, and subject to the authority of the City Manager under the City Charter, the Corporation shall have the right to utilize the services of the City Attorney, the City Secretary, and staff and employees of the Economic Development Department, Finance Department, Human Resources Department, or any other City Department necessary to carry out the Corporation's responsibilities provided the performance of such services does not materially interfere with other duties of such personnel of the City. City employees performing services for the Corporation remain subject to applicable City policies at all times.

SECTION II
OFFICES

2.01 Registered Office and Registered Agent

The Corporation shall have and continuously maintain in the State of Texas a registered office, and a registered agent whose office is identical with such registered office, as required by the Act. The Board of Directors may, from time to time, change the registered agent and/or the address of the registered office, provided that proper notification of such change is given to the Office of the Secretary of State of Texas.

The registered office of the Corporation is located at 415 W. University Dr., Edinburg, Texas 78539.

2.02 Principal Office

The principal office of the Corporation in the State of Texas shall be located in the City of Edinburg, County of Hidalgo, and it may be, but need not be, identical with the registered office of the Corporation.

SECTION III
PURPOSE

3.01 Purposes

The Corporation is a non-profit corporation specifically governed by Section 4A of the Texas Development Corporation Act. Texas Local Government Code § 504.001 *et seq*. The Corporation is organized exclusively for the purpose of benefiting and accomplishing public purposes of the City of Edinburg, Texas, by promoting, encouraging, and enhancing the creation of jobs in the City of Edinburg through projects that assist in the retention of existing businesses and industries and the attraction of new businesses and industries and aid in their development and growth in accordance with the Articles of Incorporation and the Development Corporation Act.

The Corporation shall have no power to take any action that would be inconsistent with the requirements for exemption from federal tax as a non-profit corporation under Section 501(c)(4) of the Internal Revenue Code or such other applicable Section. The Corporation shall not participate in any political campaign on behalf of or in opposition to any candidate for public office.

SECTION IV
MEMBERS

4.01 Members

The Corporation shall have no members and is a non-stock corporation.

SECTION V
BOARD OF DIRECTORS, EX-OFFICIO MEMBERS, AND ADVISORY MEMBERS

5.01 Board of Directors

The business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board appointed by the City Council and subject to applicable limitations imposed by the Texas Business Corporation Act, the Development Corporation Act, the Articles of Incorporation, or these Bylaws.

5.02 Number and Qualifications

The City Council shall appoint each Director based on experience, accomplishments, and educational background. All appointed members of the Board shall be residents of the City of Edinburg or a majority owner or executive management of a business or organization with the majority of its operations within the City of Edinburg.

Persons selected shall be serving or have served in a management or otherwise professional capacity within the following categories.

(a) Four (4) persons representing private sector businesses among the following industries: manufacturing, trade, construction, retail, automotive, food services, lodging, healthcare, financial services, sports, entertainment, transportation, storage, telecommunications, utilities, media, and professional services.

(b) One (1) person representing education, including public and private institutions, K-12, higher education, and vocational training.

(c) One (1) person representing small business, as defined by the Small Business Administration, located in the City of Edinburg.

(d) One (1) person representing public service, community organizations, or the arts.

City employees may not serve as Directors. To promote diversity of industries among the Directors, if any Director represents a single industry, that industry may not be represented solely by another Director. For example, two Directors with management experience in retail businesses, but with no other management or professional experience, may not serve at the same time. However, a Director with management or professional experience in both retail and food services may serve at the same time as a Director with management or professional experience in only retail. The goal and purpose is to have as many industries in the above categories represented at all times among the Directors.

5.03 Ex-Officio Members

All members of the City Council and the City Manager or his or her designee are Ex-Officio Members of the Board of Directors and may attend all meetings of the Board of Directors or Committees, including executive sessions. Ex-Officio Members shall not have the power to vote in the meetings they attend and may not serve as Directors.

5.04 Advisory Members

The Board of Directors, with the approval of the City Council, may appoint Advisory Members representing the following organizations:

(a) The Edinburg Chamber of Commerce
(b) Texas Workforce Solutions
(c) Hidalgo County Office of Economic Development
(d) Regional Economic Development District
(e) Other educational institutions not represented by a Director
(f) Other organization and agency representatives deemed significant to achieve the goals and objectives of economic development for the City of Edinburg.

Advisory Members shall not have the power to vote in the meetings they attend and may not attend executive session, except at the invitation of the Board of Directors.

5.05 Bonds

The President, Vice President, and Treasurer of the Board shall give an official bond in the sum of not less than One Hundred Thousand and no/100 Dollars ($100,000.00). The bonds referred in this section shall be considered for the faithful accounting of all monies and things of value coming into the hands of such officers. The bonds shall be procured from a regularly accredited surety company authorized to do business in the state. The premiums thereafter shall be paid by the Corporation. A copy of each officer's bond shall be filed with the City Secretary.

5.06 General Duties of the Board.

The Board is hereby required to perform the following duties:

1. The Board shall develop or cause to be developed, an economic development plan for the City that shall include and set forth short long term goals that the Board deems necessary to accomplish in compliance with its economic development plan. Such plan shall be approved by the City Council of the City of Edinburg. The economic development plan developed by the Board shall be one that includes the following elements:

a. An economic development strategy to permanently bolster the business climate throughout the city.

b. Strategizes to fully utilize the assets of the city that enhance economic development.

c. Identification of strategies to coordinate public, private, and academic resources to develop and enhance business opportunities for all citizens of Edinburg.

d. Assurance of accountability of all tax moneys and all other funds received and expended by the corporation for its implementation of an economic development plan.

e. Provisions for identification and implementation of identified strategies for direct economic development as defined in this Section.

f. An annual work plan outlining the anticipated activities, tasks, projects and programs to be undertaken by the Board during the upcoming fiscal year. The annual work plan shall be submitted with the annual budget as outlined in Article 8.02 of these Bylaws.

2. The Board shall review and update its economic development plan once each year to ensure that said plan is up to date with the current economic climate and is capable of meeting Edinburg's current economic development needs.

3. The Board shall expend, in accordance with State law, the tax funds received by it on direct economic development where such expenditures will have a direct benefit to the citizens of Edinburg. As used in this article, "direct economic development" shall mean the expenditure of such tax funds for programs that directly accomplish or aid in the accomplishment of creating identifiable new jobs or retaining identifiable existing jobs including job training and/or planning and research activities necessary to promote said job creation. The Corporation's focus will be primarily in the areas of:

a. Business Development
b. Work Force Development
c. Infrastructure Development
d. Facility Development
e. Recreational Facilities but only those authorized by State law and voter approval and directly connected to one of the areas enumerated above

5. The Edinburg Economic Development Corporation shall make reports to the City Council of the City of Edinburg. The Edinburg Economic Development Corporation shall discharge this requirement by reporting to the City Council in the following manner:

a. The Edinburg Economic Development Corporation shall make a detailed report to the City Council once each year, no later than the end of the fiscal year. Such report shall include, but shall not be limited to, the following:

1. A review of all expenditures made by the Board in connection with their activities involving direct economic development as defined in this article, together with a report of all other expenditures made by the Board.

2. A review of the accomplishments of the Board regarding direct economic development.

3. The policies and strategy followed by the Board in relation to direct economic development together with any new or proposed changes in said policies and strategy.

4. A review of the activities of the Board for the budget year addressed in an annual report, together with any proposed change in an activity or activities related to direct economic development.

5. A review of the activities of the Board in areas of endeavor other than direct economic development together with any proposed changes in such activities.

b. The Board shall be regularly accountable to the City Council for all activities undertaken by them or on their behalf, and shall report on all activities of the Board, whether discharged directly by the Board or by any person, firm, corporation, agency, association or other entity on behalf of the Board. A mid-year report covering the period October 1 to March 31 shall be made by the Board to the City Council. The semi-annual report shall be made no later than May 31 and shall include the following:

1. Accomplishments to date as compared with the economic development plan.

2. Anticipated short term challenges during the next six months reporting period together with recommendations to meet such short term challenges.

3. Long term issues to be dealt with over the succeeding twelve-month period or longer period of time, together with recommendations to meet such issues with emphases to be placed on direct economic development.

4. A recap of all budgeted expenditures for the first six months of the fiscal year, together with a recap of budgeted funds left unexpended and any commitment made on said unexpended funds. The recap of expenditures shall set forth separately those expenditures made in connection with direct economic development and those expenditures made by the Board in the discharge of its other duties.

5.07 Duties of Directors

Directors shall exercise ordinary business judgment in managing the affairs of the Corporation. In acting in their official capacity as directors of this Corporation, directors shall act in good faith and take actions they reasonably believe to be in the best interest of the Corporation and that are not unlawful. In all other instances, the Board of Directors shall not take any action that they should reasonably believe would be opposed to the Corporation's best interest or would be unlawful. A director shall not be liable if, in the exercise of ordinary care, the director acts in good faith relying on written financial and legal statements provided by an accountant or attorney retained by the Corporation.

5.08 Terms of Office

The City Council shall appoint the Directors. Directors shall serve for a three (3) year term. No Director shall serve more than two (2) consecutive full terms. Directors may be removed at any time by the City Council by a majority vote of the City Council.

5.09 Vacancies

Any vacancy occurring shall be filled by appointment by the City Council to serve the remainder of an unexpired term. Appointments to fill unexpired terms shall not be credited against the two-term limit.

5.10 Meetings

The Board of Directors shall meet at least six (6) times annually at a place and time to be determined by the President. All meetings of the Board shall provide notice thereof as provided and set forth in State law. Any member of the Board may request that an item be placed on the agenda by delivering the same in writing to the secretary of the Board no later than ten (10) days prior to the date of the Board meeting. The President of the Board shall set regular meeting dates and times at the beginning of the President's term.

Notice of any meeting shall be given to the public in accordance with the requirements of the Texas Open Meetings Act. The notice shall contain information regarding the particular time, date and location of the meeting and the agenda to be considered. All meetings shall be conducted in accordance with the Texas Open Meetings Act. All meetings shall be held within the City of Edinburg.

The Annual meeting of the Board of Directors shall be held in September of each year. Election of corporate officers shall take place during the annual meeting.

5.11 Special Meetings

Special meetings of the Board of Directors may be called by the President or the City Manager or his/her designee on three days notice to each director, in person, by mail or telephone, or upon written request of two (2) directors. Any notice of a special meeting shall include the purpose of the meeting and the business to be addressed shall be specified in the meeting notice.

5.12 Attendance

Regular attendance of the Board meetings is required of all members. The following number of absences shall constitute the need for replacement of a member: three (3) consecutive absences, or attendance reflecting absences constituting 50% of the meetings over a 12-month period. In the event replacement may be indicated pursuant to the standards set forth in the preceding sentence, the Board may recommend removal to the City Council.

5.13 Other Grounds For Removal

The following conduct shall constitute the need for replacement of a member: any willful or grossly negligent breach of duty under theses Bylaws; any misconduct involving the arrest, indictment, or conviction for a crime considered an act of moral turpitude whether or not related to the member's official duties; any willful or grossly negligent misapplication or misuse of public funds or property owned by or entrusted to the City or Corporation; conduct which brings the City and/or Corporation into public disgrace or disrepute. In the event replacement may be indicated pursuant to the standards set forth in the preceding sentence, the Board may recommend removal to the City Council.

5.14 Quorum

To convene a meeting, a simple majority of the appointed number of appointed Directors then serving on the Board shall constitute a quorum. For purposes of transacting the business of the corporation at any meeting, a simple majority of the appointed Directors shall constitute a quorum. If there is an insufficient number of Directors present to convene the meeting, the directors present thereat may recess the meeting from time to time, without notice other than announced at the meeting, until a quorum shall be present.

5.15 Compensation

THE DULY APPOINTED MEMBERS OF THE BOARD SHALL NOT RECEIVE A SALARY OR COMPENSATION, but shall be reimbursed for actual or commensurate cost of travel, lodging, and incidental expenses while on official business of the Board in accordance with State law.

5.16 Voting; Action of the Board of Directors

Directors must be present to vote at any meeting. Unless otherwise provided in these Bylaws or in the Articles of Incorporation or as required by law, the act of simple majority of the Directors present at any meeting for which a quorum is present shall be the act of the Board of Directors. In the event that a Director is aware of a conflict of interest or potential conflict of interest, with regard to any particular vote, the Director shall bring the same to the attention of the meeting and shall abstain from the vote, unless the Board determines that no conflict of interest exists. Any Director may bring to the attention of the meeting any apparent conflict of interest of potential conflict of interest of any other Director, in which case the Board shall determine whether a true conflict of interest exists before any vote shall be taken regarding that particular matter. The Director as to whom a question of interest has been raised shall refrain from voting regarding the determination as to whether a true conflict exists.

SECTION VI
OFFICERS

6.01 Officers of the Corporation

The elected officers of the Corporation shall be elected from the Board of Directors. The officers shall be President, Vice President, Secretary, and Treasurer. The Board may resolve to elect one or more Assistant Secretaries or one or more Assistant Treasurers as it may consider desirable. Such officers shall have the authority and perform the duties of the office as the Board may from time to time prescribe or as the Secretary or Treasurer may from time to time delegate to his or her respective Assistant. Any two (2) or more offices may be held by the same person, except the offices of President and Secretary.

6.02 Selection of Officers

The term of office of the President and Vice President shall be for a period of one year; provided, however, that the President and Vice President continue to serve until the election of their successors who will be elected by the members of the Board.

The Secretary and Treasurer shall be selected by the members of the Board and shall hold office for a period of one (1) year; provided, however, that the Secretary and Treasurer shall continue to serve until the election of their successors. Elections shall be held at the annual meeting of the Board.

6.03 Vacancies

Vacancies in any office which occur by reason of death, resignation, disqualification, removal, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term of that office, in the same manner as other officers are elected. Any officer elected or appointed by the Board may be removed at any time by the affirmative vote of a majority of the entire Board.

6.04 President

In general, the President shall perform all duties incident to the office, and such other duties as may be prescribed by the Board of Directors. The President shall:

1. Preside over all meetings of the Board.

2. Have the right to vote on all matters coming before the Board.

3. Have the authority, upon notice to the members of the Board, to call a special meeting of the Board when in his or her judgment such meeting is required.

4. Have the authority to appoint standing committees to aid and assist the Board in its business undertakings or other matters incidental to the operation and functions of the Board.

5. Have the authority to appoint ad hoc committees which may address issues of a temporary nature of concern or which have a temporary affect on the business of the Board.

6. At his/her discretion cancel a regularly scheduled meeting of the Board when there is no business to discuss provided the President give notice to Board Members and the public of the cancellation no later than 72 hours prior to the regularly scheduled meeting.

7. Sign with the Secretary of the Board any deed, mortgage, bonds, contracts, or other instruments which have been approved in accordance with these bylaws and unless the execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these Bylaws, or by statute.

6.05 Vice President

In the absence of the President, or in the event of the President's inability to act, the Vice President shall perform the duties of the President. When so acting, the Vice President shall have all power of and be subject to all the same restrictions as upon the President. The Vice President shall also perform other duties as from time to time may be assigned to the Vice President by the President.

6.06 Secretary

The Secretary shall record and keep or cause to be recorded and kept at the registered office a record of the minutes of all meetings of the Board and of any committees of the Board. The Secretary shall also file a copy of said Minutes with the City Secretary and the same to be given, in accordance with the provisions of these Bylaws, or as required by the Texas Open Meetings Act or the Texas Open Records Act or other applicable law. The Secretary shall be custodian of the corporate records and seal of the Corporation, and shall keep a register of the mailing address and street address, if different, of each director.

6.07 Treasurer

The Treasurer shall perform such duties as are usually incumbent upon such office. The Treasurer shall see that proper and accurate accounts are kept of the financial condition of the Corporation and that proper books are maintained for their orderly entry. The Treasurer shall insure that the financial policies adopted by the Board are duly followed and that an independent audit is made of the accounts of the Corporation at the end of each fiscal year. The Treasurer shall report the financial condition of the Corporation at each regular meeting of the Board and City Council from time to time for approval, and shall perform any other duties the President assigns from time to time.

6.08 Assistant Secretaries and Assistant Treasurers

The Assistant Secretaries and Assistant Treasurers, if any, shall in general, perform such duties as may be assigned to them by the Secretary or the Treasurer, or by the President or the Board of Directors.

6.09 Employees

The Corporation shall, with approval of the City Council, contract with the City of Edinburg for such full or part time employees as needed to carry out the programs of the Corporation. These employees shall perform those duties outlined in the contract and assigned to them by the Board.

6.10 Contracts for Services

The Corporation may, with the approval of the City Council, contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. However, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of Directors of its discretion and policymaking functions in discharging the duties herein above set forth in this section.

SECTION VII
COMMITTEES

7.01 Committees Authorized

The President shall have the authority to appoint standing and ad hoc committees from time to time. Committee members need not be Directors of the Corporation, unless required by the these Bylaws or Board Resolution.

The designation and appointment of any such committee and delegation to that committee of authority shall not operate to relieve the Board of Directors, or any individual director of any responsibility imposed by the Bylaws or otherwise imposed on it or on him or her by law. No committee shall have independent authority to act or, instead of the Board of Directors, to:

(a) Amend the articles of incorporation.

(b) Adopt a plan of merger or plan of consolidation with another corporation.

(c) Authorize the sale, lease, exchange or mortgage of any of the property and assets of the Corporation.

(d) Authorize the voluntary dissolution of the Corporation.

(e) Revoke proceedings for the voluntary dissolution of the Corporation.

(f) Adopt a plan for the distribution of the assets of the Corporation.

(g) Amend, alter, or repeal the Bylaws.

(h) Elect, appoint, or remove a member of a committee or director or officer of the Corporation.

(i) Approve any transaction to which the Corporation is a party or undertake any action that involves a potential conflict of interest as defined.

(j) Take any action outside the scope of authority delegated to it by the Board of Directors.

(k) Take final action on a matter that requires the approval of the Board of Directors.

(l) Commit Corporation funds without the prior approval of the Board of Directors.

(m) Undertake any other matters appropriate to the authority of the Board of Directors.

7.02 Term of Office of Committee Members

Each committee member shall serve for a term as determined by the President subject to the approval of the Board of Directors.

SECTION VIII
FINANCIAL ADMINISTRATION

The Corporation shall, with approval of the City Council, contract with the City for financial and accounting services including the annual audit as stipulated in Section 8.13. The Corporation's financing and accounting records shall be maintained according to the following guidelines:

8.01 Fiscal Year

The fiscal year of the Corporation shall run concurrently with the City of Edinburg beginning the first day of October and ending the last day in September in each year.

8.02 Budget

At least thirty (30) days prior to the commencement of each fiscal year of the Corporation, the Board of Directors shall adopt a proposed 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. The budget shall not be effective until the same has been approved by the City Council.

8.03 Contracts

As provided above, the President and Secretary shall execute any contracts or other instruments which have been duly approved and authorized to be executed in accordance with these Bylaws, provided, however, that the Board may by appropriate resolution, authorize any other officer or officers or any other agent or agents as provided herein to enter into contracts or execute and deliver any instrument in the name of the board on specific instances or defined in general terms.

8.04 Checks and Drafts

All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be approved by the Board, except that the City shall have the authority to execute checks for the daily operation of the Corporation's program without prior board approval in amounts agreed to by the board and on such other terms and provisions contained in the agreement between the board and the City to provide administrative and financial services. Any checks the City is authorized to sign on behalf of the Corporation must be signed by either the city manager or city finance director as a non-elected official and either the Mayor or Mayor Pro Tem as an elected official.

8.05 Limitation on Expenditures

The Corporation shall not make any commitment for dispersal of any funds for any project without prior approval of the City Council.

8.06 Deposits

All funds of the Edinburg Economic Development Corporation shall be maintained only in accounts, deposits or other investments that are authorized by State law.

8.07 Gifts

The Edinburg Economic Development Corporation may accept on behalf of the Corporation any contribution, gift, bequest, or device for the general purpose or for any special purposes of the Corporation.

8.08 Purchasing

All purchases made and contracts executed by the Corporation shall be made in accordance with the requirements of the Texas Constitution and Statutes of the State of Texas.

8.09 Investments

The Edinburg Economic Development Corporation shall adopt an investment policy, not inconsistent with State law, including the Texas Public Funds Investment Act.

8.10 Bonds

Any bonds issued by the Corporation shall be in accordance with the statute governing this Corporation but in any event, no bonds shall be issued without approval of the Edinburg City Council after review and comment by the City's bond counsel and financial advisor.

8.11 Uncommitted Funds

Any uncommitted funds of the Corporation at the end of the fiscal year shall be considered a part of the Fund Balance. The Undesignated Fund Balance may be committed for any legal purpose provided the Corporation's Board of Directors and the City Council both approve such commitment. This may include the establishment of a Permanent Reserve Fund which shall be accumulated for the purpose of using the interest earnings of such fund to finance the operation of the Corporation.

8.12 Monthly Reports

The City financial office or any other contractual entity providing financial services to the Corporation will provide to the Board of Directors a monthly report of all matters required, permitted, or done pursuant to these Bylaws or as by contract.

8.13 Annual Audit

The City of Edinburg will provide the Board of Directors with an annual audit of financial statement of all funds. The audit is to be conducted by an outside independent certified public accounting firm selected by the City Council. Any such audit shall be performed in accordance with generally accepted auditing procedures (GAAP). Each audit shall be prepared and submitted annually to the City Council of the City of Edinburg, Texas, for approval as soon as practical following the end of each year of the Corporation's fiscal year.

8.14 Potential Conflicts of Interest

The Corporation shall not make a loan to a director or officer of the Corporation. A Director, officer, or committee member of the Corporation may lend money to and otherwise transact business with the Corporation except as otherwise provided by the Bylaws, Articles of Incorporation and all applicable laws. Such a person transacting business with the Corporation has the same rights and obligations relating to those matters as other persons transacting business with the Corporation. The Corporation shall not borrow money from or otherwise transact business with a Director, officer, or committee member of the Corporation unless the transaction is described fully in a legally binding instrument and is in the best interest of the Corporation. THE CORPORATION SHALL NOT BORROW MONEY FROM OR OTHERWISE TRANSACT BUSINESS WITH A DIRECTOR, OFFICER, OR COMMITTEE MEMBER OF THE CORPORATION WITHOUT FULL DISCLOSURE OF ALL RELEVANT FACTS AND WITHOUT THE APPROVAL OF THE BOARD OF DIRECTORS, NOT INCLUDING THE VOTE OF ANY PERSON HAVING PERSONAL INTEREST IN THE TRANSACTION.

8.15 Prohibited Acts

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 a binding obligation 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 or the Corporation.

(d) Receive an improper personal or business benefit from the operation of the Corporation.

(e) Use the assets of the Corporation, directly or indirectly, for any purpose other than carrying on 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 business practices, trade secrets or any other information not generally known to the business community to any person not authorized to receive it.

(i) Commit Corporation funds without the prior approval of the Board of Directors.

Provided further, however, that the Corporation shall not have the power to own or operate any project as a business other than as lessor, seller, or lender or pursuant to the requirements of any trust agreement securing the credit transaction. In addition, the user pursuant to any lease, sale, or loan agreement relation to a project shall be considered to be the owner of the project for the purposes of the application of any ad valorem, sales, and use taxes or any other taxes levied or imposed by the State of Texas or any political subdivision of the State of Texas. The purchase and holding of mortgages, deeds of trust, or other security interests and contracting for any servicing thereof shall not be deemed the operation of a project.

SECTION IX
BOOKS AND RECORDS

9.01 Books and Records

The Corporation shall keep correct and complete books and records of all actions of the Corporation, including books and records of account and the minutes of meetings of the Board of Directors and of any committee having any authority of the Board of Directors and of any committee given any authority of the Board and to the City Council.

9.02 Inspection

Any member of the City Council of Edinburg, Director, or officer of the Corporation may inspect and receive copies of all books and records of the Corporation required to be kept by the Bylaws. Any person entitled to inspect and copy the Corporation's books and records may do so through his or her attorney or other fully authorized representative. The Board of Directors may establish reasonable fees for copying the Corporation's books and records by members. Consistent with the obligations and limitations of the Texas Open Records Act, the Corporation shall provide requested copies of books or records no later than ten (10) working days after the Corporation's receipt of proper written notice.

SECTION X
AUTHORIZATION

10.01 Authorization

The Corporation shall carry out its program subject to its Articles of Incorporation, these Bylaws and the Development Corporation Act, and such resolutions as the Board may from time to time authorize.

10.02 Program

The program of the Edinburg Economic Development Corporation shall be to promote, encourage, and enhance economic development in Edinburg, Texas, subject to applicable State and Federal law, these Bylaws, and the Articles of Incorporation.

SECTION XI
PARLIAMENTARY AUTHORITY

11.01 Amendments to Bylaws

These Bylaws may be amended or repealed and new Bylaws may be adopted by an affirmative vote of five (5) of the authorized Directors serving on the Board, at a special meeting of the Directors held for such specific purpose and the notice requirements stated hereinabove regarding special meetings shall apply. The Directors of the Corporation present at an annual meeting of the Board may, by a vote of five (5), in accord with the requirements of these Bylaws, amend or repeal and institute new Bylaws, provided that at least ten (10) days prior to the annual meeting, written notice setting forth the proposed action shall have been given to the Directors, and public notice regarding such action given according to the requirements of the Texas Open Meetings Act and Open Records Act.

Notwithstanding with foregoing, no amendment or new Bylaw shall become effective unless the City Council approves the amendment or new Bylaws. In addition, the City Council may at any time amend these Bylaws by a majority vote.

11.02 Legal Construction

If any Bylaw provision is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not effect any other provision and the Bylaws shall be construed as if the invalid, illegal or unenforceable provision had not been included in the Bylaws.

11.03 Parliamentary Authority

The procedural rules followed by the Edinburg City Council shall be the parliamentary authority for all matters of procedure not specifically covered by the Bylaws or any specific rules of procedure adopted by this Board.

SECTION XII
DISSOLUTION

12.01 Dissolution

On petition of ten (10) percent or more of the registered voters of the City of Edinburg requesting an election on the dissolution of the Corporation, the City of Edinburg shall order an election on the issue. The election must be conducted according to the applicable provision of the Election Code. The ballot for the election shall be printed to provide for or against the proposition:

"Dissolution of the Edinburg Economic Development Corporation"

If a majority of voters voting on the issue approve the dissolution, the Corporation shall continue operations only as necessary to pay the principal of and interest on its bonds and to meet obligations incurred before the date of the election and , to the extent practicable, shall dispose of its assets and apply the proceeds to satisfy those obligations. When the last of the obligations is satisfied, any remaining assets of the Corporation shall be transferred to the City of Edinburg and the Corporation shall be dissolved.

SECTION XIII
INDEMNITY

13.01 Indemnity

The Corporation hereby agrees to indemnify and hold harmless each current or former Director or Officer of the Corporation from and against any costs, expenses (including attorney's fees), fines, settlements, judgments, liabilities and other amounts, actually and reasonably incurred by such person in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as Officer or Director; provided, however, that such Officer or Director shall not receive such indemnification if he or she be finally adjudicated in such instance to liable for gross negligence or intentional misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board of Directors may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Furthermore, the Corporation agrees to indemnify and hold harmless and defend the City of Edinburg, its officers, agents, and its employees, from and against liability for any and all claims, liens, suits, demands, and/or actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, including court costs and attorneys' fees and other reasonable costs arising out of or resulting from the Corporation's activities and from any liability arising out of or resulting from the intentional acts or negligence, including all such causes of action based upon common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the Corporation, including but not limited to its officers, agents, employees, licensees, invitees, and other persons.

It is further agreed with respect to the above indemnity, that the Corporation will provide prompt and timely notice of any event covered which in any way, directly or indirectly, contingently or otherwise, affects or might affect the Corporation or the City of Edinburg, and the City of Edinburg shall have the right to compromise and defend the same to the extent of its own interests. It is further agreed this indemnity clause shall be an additional remedy to the City of Edinburg and not an exclusive remedy.

SECTION XIV
MISCELLANEOUS

14.01 Relation to Articles of Incorporation

These Bylaws are subject to, and governed by, the Articles of Incorporation and applicable State statutes under which the Corporation was organized.

CERTIFICATE OF ADOPTION

These Bylaws were duly adopted at a meeting of the City Council held on May 19, 2020.

SIGNED this the 20th day of May, 2020.

CITY OF EDINBURG, TEXAS

____
Richard R. Molina, Mayor

ATTEST:

____
Myra L. Ayala, City Secretary

APPROVED AS TO FORM:

____
Omar Ochoa, City Attorney

STAFFING SERVICES AND LEASE AGREEMENT
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
AND CITY OF EDINBURG, TEXAS FY 2019-20

THE STATE OF TEXAS §
§
COUNTY OF HIDALGO §

This Staffing Services Agreement ("Agreement") is made and entered into by and between the City of Edinburg, Texas (the "City") and the Edinburg Economic Development Corporation ("EDC").

WHEREAS, pursuant to The Texas Development Corporation Act, Texas Local Government Code Chapters 501, 502 and 505 (the "Act"), the City created the EDC and collects, on behalf of the EDC, an additional sales and use tax of which a portion may be used by the EDC to pay certain administrative costs; and

WHEREAS, the EDC desires to utilize the services and support of City staff in furtherance of its work and the projects it undertakes to eliminate duplication and to promote economy and efficiency in the use of the additional sales tax revenues it receives; and

WHEREAS, the City has determined that providing personnel and services to the EDC will be mutually beneficial to the City and the EDC, will promote local economic development, and stimulate business and commercial activity within the City, all in furtherance of the purposes of the EDC; now, therefore,

FOR AND IN CONSIDERATION of the mutual covenants, agreements, and benefits accruing herein to each party, the City and the EDC hereby agree as follows:

1. **Services**

The EDC will utilize City employees to perform the following services for and on behalf of the EDC:

a. Accounting and financial services;
b. Professional contract administration services;
c. Administrative/secretarial support;
d. Construction contract administration services;
e. Marketing services;
f. Director – Economic Development;
g. GIS / Data services;
h. Legal services;

i. Any other reasonable services in furtherance of the purposes of the EDC and authorized by the Act.

2. **Responsibility Conflicts**

The City and EDC acknowledge that from time to time conflicts between a city employee's primary responsibilities to the City and requests for services from the EDC may arise. Subject to the authority of the City Manager, the performance of City services shall have priority. The City and the EDC encourage employees to bring conflicts to the attention of the City Manager, who shall consult with the EDC President as necessary to prioritize demands and resolve any conflicts. City employees performing services for the EDC are subject to applicable City policies at all times.

3. **Facilities and Equipment**

The City shall provide facilities and equipment for the EDC's use, including administrative offices and meeting space. The City Manager shall consult with the EDC President as necessary to assign and schedule such facilities and equipment.

4. **Consideration**

The EEDC agrees to pay a sum not to exceed $400,000 for services to be performed for the remaining fiscal year 2019-2020. The actual rate charged shall be based on the City's reasonable estimate of the amount of time City employees are anticipated to spend performing services for and on behalf of the EDC and the EDC's use of City facilities and equipment during the term of this Agreement. Such reimbursement shall be due within 30 days after the City submits an invoice to the EEDC.

5. **Term**

The term of this Agreement shall be until October 30, 2020.

6. **Right to Hire Third Parties**

Subject to the Bylaws and approval of the City Council, the EDC may hire third parties to perform any or all of the services described herein.

7. **Notice**

All notices and communications regarding the term of this Agreement to any party shall be in writing. If mailed, any notice or communication shall be deemed to have been received three (3) days after the date of its deposit into the United States mail, first class, postage prepaid. Unless otherwise provided in this Agreement, all notices shall be delivered to the following address:

City of Edinburg
Attention: City Manager
415 W. University Drive
Edinburg, Texas 78539

Edinburg Economic Development Corporation
Attention: President, Board of Directors
415 W. University Drive
Edinburg, Texas 78539

8. Parties in Interest

This Agreement shall be for the sole and exclusive benefit of the City and the EDC and shall not be construed to confer any benefit or right upon any other parties.

9. Severability

In the event any clause, phrase, provision, sentence, or part of this Agreement shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Agreement as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

10. Entire Agreement

This Agreement contains the entire agreement between the parties and supersedes all other negotiations and agreements with respect to the matters addressed herein, whether written or oral.

IN WITNESS WHEREOF, this Agreement has been executed by the duly authorized officers of the City of Edinburg, Texas and the Edinburg Economic Development Corporation, as of _______________, 2020.

CITY OF EDINBURG:

BY: ________________________________

Ron Garza, City Manager
City of Edinburg
415 W. University Dr.
P.O. Box 1079
Edinburg, Texas 78540
Phone: (956)383-5661
Fax: (956)383-7111

ATTEST:

BY: ________________________________

Myra L. Ayala, City Secretary

APPROVED AS TO FORM:

OMAR OCHOA LAW FIRM, P.C.

BY: ________________________

Omar Ochoa, City Attorney

EDINBURG ECONOMIC DEVELOPMENT CORPORATION:

BY: ______________________________

_____________, President

ATTEST:

BY: ______________________________

_____________, Secretary
Board of Directors

THE CITY OF Edinburg

EDINBURG PRISM

PURCHASING POLICIES & PROCEDURES

PROCUREMENT CARD POLICIES & PROCEDURES

Prepared By: Finance Department
~~Revised: October 01, 2013~~
~~Revised: February 07, 2019~~
Revised: October 14, 2019

Table of Contents

FOREWORD

This manual contains the policies and procedures for purchasing related activities. Its purpose is to provide guidance and instruction for all employees new to the purchasing process as well as a reference for staff and management.

The primary function of the Purchasing Division is to provide cooperative assistance that is efficient and effective in obtaining the supplies and services needed. It is our intention to buy these items at the lowest economical cost consistent with quality and time.

Legal and organizational changes, as well as data processing improvements, will bring about policy and procedural changes. Revisions will be issued that reflect these changes in order to keep this manual current.

For any questions or comments concerning this manual, please feel free to contact the Purchasing Division at (956) 388-1895, Extension 8972.

SECTION I - INTRODUCTION

PURPOSE OF THE PURCHASING MANUAL

The purpose of the Purchasing Manual is twofold. First, it serves as the official reference document on Purchasing questions and issues. Second, it serves as the approved source of instruction on Purchasing policies and procedures for procurement of commodities and services and disposing of property. The intended readers are anticipated to be, but not limited to, all Divisions, Departments, and employees under the City of Edinburg.

SCOPE OF THE PURCHASING MANUAL

The scope of this manual shall encompass all normal operating purchasing policies and procedures including purchasing transactions as well as the disposition of property. It has been developed within the guidelines of the Texas Statutes and customized for the efficiency and effectiveness of the City of Edinburg.

DISTRIBUTION OF THE PURCHASING MANUAL

This manual and all future amendments will be distributed to all City of Edinburg Divisions, Departments, and employees, operating under the City of Edinburg, who would be involved in the purchasing process. It is the responsibility of the Department or Division Head to keep an up-to-date copy available for all employees who use the City Purchasing System. It will be the responsibility of the Purchasing Department to distribute copies of this manual and all future amendments to the appropriate parties.

RECOMMENDATIONS FOR THE PURCHASING MANUAL

City employees are encouraged to make recommendations on sections of the manual, which due to changing conditions, may require revision. Also, they are encouraged to make recommendations on new subjects not presently included in the manual. Any such recommendations should be submitted through appropriate organizational changes to the Purchasing Agent for review and consideration. Any proposed changes to the Purchasing Manual shall be approved by the City Council.

APPLICABLE LAWS, HIGHER AUTHORITY REGULATIONS OR RULES

Compliance with the City of Edinburg Ordinances, State & Federal Statutes, and the Local Government Code when and where applicable, and complying with the strictest of the rules that pertain, is made a specific requirement of all procedures and/or methodologies covered in this manual (even though they may not be stated specifically).

SECTION II - PURCHASING CODE OF ETHICS

The public must have confidence in the integrity of its government. The purpose of this Code of Ethics is to apply and give guidance to all employees so that they may conduct themselves in a manner which will be compatible with the best interest of themselves and of the City of Edinburg.

STATEMENT OF PURCHASING POLICY

A. "Public employment is a public trust". It is the policy of the City of Edinburg to promote and balance the objective of protecting government integrity and the objective of facilitating the recruitment and retention of personnel needed by the City of Edinburg. Such policy is implemented by prescribing essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

B. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City of Edinburg procurement organization.

C. To achieve the purpose of this Article, it is essential that those doing business with the City of Edinburg also observe the ethical standards prescribed herein.

GENERAL ETHICAL STANDARDS

A. It shall be a breach of ethics to attempt to realize personal gain through public employment with the City of Edinburg by any conduct inconsistent with the proper discharge of the employee's duties.

B. It shall be a breach of ethics to attempt to influence any public employee of the City of Edinburg to breach the standards of ethical conduct set forth in this code.

C. It shall be a breach of ethics for any employee of the City of Edinburg to participate directly or indirectly in a procurement when the employee knows that:

1. The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
2. A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; and

3. Any other person, business or organization, with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

GIFTS & GRATUITIES

A. The City of Edinburg strives to treat employees, citizens, and individuals conducting business with the City in a fair and equitable manner. An employee (and his/her relatives and significant others) may not receive any income or other material gain from anyone outside the City for services provided by the employee in the performance of his/her job with the City. Individual City employees and departments are prohibited from soliciting, accepting, or agreeing to accept any gift, gratuity, favor, benefit, or anything else of value from any person, organization, vendor, or other entity who has done business, is doing business, or seeks to do business, with the City. However, an employee who accepts the following will not be violation of this policy:

   1. An award publicly presented in recognition of public service;

   2. An occasional meal (from time to time, not regular) where public business is discussed;

   3. Tee-shirt, caps and other similar promotional material;

   4. Any gift which would have been offered or given to the employee even if the employee were not a City employee; and/or

   5. Any gift that has a value of less than $50 (US).

B. Routine food coupons, frequent flier awards, discounts, and other promotional items awarded to employees while carrying out City business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the City. If the item is non-routine, or of more than minimal value, the employee must check with his or her Supervisor to see if the item should be returned, or in the alternative, turned over to the Human Resources Department.

C. Employees may not give their Supervisor or anyone else in City management any gift or other item of more than $50 value. If offered, Supervisor may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies), or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement, or similar events is not a violation of this policy.

D. **The City takes this policy very seriously and violations will result in disciplinary action, which may include termination of employment. Any questions regarding the prohibitions**

imposed by this policy in general, or in connection with a specific situation, should be directed to the Director of Human Resources.

NON-DISCRIMINATION CLAUSE

The City of Edinburg does not discriminate based on race, color, national origin, sex, religion, age, and handicapped status in employment or provision of service.

CONFLICT OF INTEREST

CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE

Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form CIQ, the vendor or person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the records administrator of the City of Edinburg not later than the 7th business day after the date the person becomes aware of facts that require the statement be filed. See Section 176.006, Local Government Code. A person commits an offense if the person violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. For Community Development/Grants Management Department (CD/GM) Conflict of Interest requirements see ATTACHMENT I – CONFLICT OF INTEREST MANAGEMENT PLAN. For more information or to obtain Questionnaire CIQ go to the Texas Ethics Commission web page at www.ethics.state.tx.us/forms/CIQ.pdf.

CERTIFICATE OF INTERESTED PARTIES (Form 1295)

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least $1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016. For more information go to the Texas Ethics Commission web page at www.ethics.state.tx.us/forms/CIQ.pdf.

HB 89

The 85th Texas Legislature approved new legislation, effective Sept. 1, 2019, which amends Texas Local Government Code Section 1. Subtitle F, Title 10, Government Code by adding Chapter 2270 which states that a governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it:

1) does not boycott Israel; and
2) will not boycott Israel during the term of the contract

SECTION III - POLICIES

AUTHORITY

This manual has been approved and adopted by the City Council who has authorized the policies and procedures contained herein for official use of City business. This manual supersedes all previously existing purchasing manuals, policies, and procedures. Only the City Council shall have the authority to change the policies and procedures in this manual.

REVISIONS

This manual shall serve as a permanent, up-to-date guide to City purchasing policies and procedures. Therefore, as necessary, appropriate revisions may be made to this manual at the discretion of the City Manager. The Purchasing Division shall be responsible for the accurate maintenance of the manual and distribution of approved revisions. Each Department and Division Head shall be responsible for keeping an up-to-date copy of the Purchasing Manual in every office using the City Purchasing System.

ROLE OF THE PURCHASING DIVISION

The Purchasing Division is under the Department of Finance. The role of the Purchasing Division in the purchasing process is to assist all the City Departments on purchasing matters. The Purchasing Division shall assist the operating Departments and Divisions in reviewing the specifications for needed purchases. Purchasing procedures are guided by several established policies. These policies are as follows:

A. To conduct all purchasing in accordance with State of Texas law, including Article 2368 (a) Chapter 252 & 271 of the Local Government Code, and the City of Edinburg, City Charter, Article VII Section 9;

B. To foster an understanding and appreciation of sound purchasing policy and procedures throughout all City departments;

C. To prepare and approve purchase orders in a timely manner in response to requisitions;

D. To receive, evaluate, and process requests for bids, proposals, and qualifications on a routine basis;

E. To stimulate competitive bidding in order to obtain materials and services at the lowest possible cost and to provide all interested vendors with an opportunity to offer their products and services to the City;

F. To maintain a comprehensive, current list of vendors classified according to materials, equipment, supplies, and services, and to identify new vendors for inclusion on the list;

G. To promote good vendor relations;

H. To assist departments in establishing specifications which will encourage competition and accurately describe the equipment and materials needed;

I. To consolidate purchase requisitions when possible to take advantage of quantity discounts;

J. To maintain continuity of supply to support on-going service, operations, and construction schedules; and

K. To advise the user department of any unusual delay in delivery schedules.

ROLE OF ALL OTHER DEPARTMENTS

The role of operating Departments and Divisions in the purchasing process is to utilize the services of the Purchasing Division for those purchases that are in excess of the Department Head's purchase authority, and to work cooperatively to see that necessary goods and services are procured to most efficiently serve the citizens of the City of Edinburg.

A. Operating Departments and Divisions are responsible for:

1. Identifying, as soon as possible, and sufficiently in advance, their needs for goods and services in their operations and activities;
2. Notifying the Purchasing Division of all purchasing needs, utilizing the proper forms and procedures, as described in this manual;
3. Accurately coding all financial codes, including fund, Department/Division, program, object, sub-fund, project and cost center;
4. Preparing clear and precise specifications for each item or service being ordered;
5. Determining that sufficient funds are available in their authorized budgets to pay for each item or service that they order; and
6. Inspecting all items or services as delivered and notifying purchasing of the receipt in order to authorize payment to the vendor.

B. Operating Departments/Divisions are also responsible for the adherence to proper procedures and the proper authorization of all purchase transactions initiated by their personnel.

GENERAL PURCHASING POLICIES

A. The City gives local vendors, whose principal place of business is located within the City of Edinburg, preference (up to 5%) as allowed by Section 271.9051 of the Local Government Code.

B. All official requests for purchase, procurement, and acquisitions of materials, goods, equipment, and services shall be performed by the individual departments. All requests for prices for the purposes of initiating the purchase of goods and services shall be made by the user department unless otherwise authorized herein.

C. Each department shall ensure that the quality, quantity, and type of materials requested and delivered conform to the specifications.

D. The Purchasing Division strives to maintain strong and enduring relationships with vendors of proven ability. To accomplish this, purchasing activities will be conducted so that vendors will value City business and make an effort to meet our requirements on the basis of quality, service, and price.

E. All vendors who have asked to be on our vendors list, and/or who have continued their relationship with the City by responding to requests for pricing, shall be afforded equal opportunities to furnish price quotations and are entitled to compete on equal terms.

F. The Purchasing Division shall not knowingly issue a purchase order when there is evidence of a conflict of interest.

G. Employees must not become obligated to any supplier and shall not conclude any City transaction from which they may personally benefit directly or indirectly.

H. The Purchasing Agent shall act as the City representative on all matter pertaining to purchasing unless otherwise stated in this manual. The Purchasing Agent is authorized, in the case of formal bids and proposals, to: waive minor clerical errors; facilitate the correction of minor clerical errors; obtain clarification of questions on bids and proposals before a selection is made; and to withdraw bids and proposals that have not been awarded.

PURCHASING CONTROLS

A. Various purchasing controls are utilized by the Purchasing Division to oversee purchasing transactions. These controls are as follows:

1. Requisition Procedures
2. Informal and Formal Quotations, Bids, Proposals, and Qualifications
3. Vendor Selection Processes
4. Purchase Orders
5. Receiving Procedures
6. Payment Procedures
7. Merchandise and Return Procedures

SECTION IV - PROCUREMENT PROCEDURES

PROCUREMENT CATEGORIES

A. Classification of procedures for the procurement of commodities and services are divided into three (3) categories as follows:

1. Purchases under $2,000.00 – Small Purchase Orders (SPO) or Procurement Card

2. Purchases of $2,000.01 to $29,999.99 – Three (3) Written Price Quotations on company letterhead.

3. Purchases $30,000 & Over – Formal Competitive Process

    a. Request for Bids (RFB)

    b. Request for Proposals (RFP)

    c. Request for Qualifications (RFQ)

SMALL PURCHASE ORDERS (UNDER $2,000.00)

Purpose: Purchases of commodities and services in this expenditure range do not require price quotations; however, they may be advantageous to get them. Orders may be placed by the individual departments directly with vendors by telephone, e-mail, facsimile, or by mailing a copy of the small purchase order. If the goods or services need to be purchased from outside of the Rio Grande Valley (RGV) area, regular purchase order procedures must be followed; however, additional price quotations do not need to be obtained if the purchase is under $2,000.00. The SPO allows individual departments to place minor purchase orders directly with approved vendors for certain supplies, materials, and/or services. The total order must not exceed $2,000.00, including minimum shipping and handling charges. It is designed to eliminate the processing time and expense of minor purchase orders and standing orders. An SPO may be used only in the Rio Grande Valley area. The splitting of SPO's is strictly prohibited.

A. For every SPO issued, each department or division is responsible for assuring that sufficient funds are available within the appropriate budget, and that the purchase meets criteria established especially for SPO's. SPO's **must** be signed by the Department Head or a designated alternate. Abuse or misuse of this system will result in the withdrawal of authorization to use the SPO. Authorization will be withdrawn after three (3) violations during any one period from October through September. Examples of misuse include:

1. Using the SPO for unauthorized items or services;

2. Exceeding the $2,000.00 maximum limit;

3. Using SPO's when sufficient funds are not available within the appropriate budget;

4. Using SPO's during the period when purchases are suspended at the end of each fiscal year; and

5. Using several SPO's to break up larger purchases into small purchases to avoid the competitive bidding requirements. (This could also result in dismissal from employment).

B. Authorized purchases by SPO are:

1. Goods and services up to a maximum of $2,000.00, including freight, delivery, and installation, which are not covered under contract or are not available from the Purchasing Supply or Building Maintenance Services; and

2. Memberships, subscriptions, and registration fees for conferences and seminars.

C. Unauthorized purchases by SPO are:

1. City inventory items carried in Building Maintenance Services or Purchasing Office Supply Inventory;

2. Capital equipment purchases;

3. Items covered by annual contracts;

4. Maintenance agreements;

5. Travel related expenses such as air fare, lodging, rentals, etc.;

6. Splitting, dividing, or separating requirements to avoid submitting a standard requisition, or to avoid the competitive bidding process in any way;

7. Prepaid items; and

8. Computer hardware or software common to other city departments.

Procedure: Purchasing issues pre-numbered SPO forms to authorized users upon request. A log book (listing department name, date, and the SPO numbers issued) is maintained by the Finance Department. Every SPO form shall be accounted for. When any form is VOID, it must be marked as such and all copies forwarded to Purchasing. User departments are responsible for obtaining verbal quotes, and requirements are to be consolidated when possible. To avoid charges of favoritism and collusion, purchases should be rotated among vendors offering comparable prices, quality, and service. Each department is responsible for notifying the Purchasing Division of any new vendors not on the City's approved vendor list.

Preparation: Accurate and complete preparation of the SPO form is essential. A sample of the form is provided with numbers referring to all the boxes and/or columns needed to complete the form (Exhibit A). Instructions on how to fill out the SPO are on the back of the form.

Distribution: The SPO is a three (3) part Purchase Order form. The department/division must attach all invoices, packaging slips, memos, etc., to the SPO form and submit it to the Purchasing Division. The copies are distributed as follows:

> **Vendor Copy (White Copy):** The white copy is the original and is hand carried or mailed to the vendor if a confirming purchase order is required.
>
> **Vendor File (Yellow Copy):** The yellow copy is filed and used to record the encumbrance. This copy is also the voucher check file copy that is retained by the Finance Accounts Payable Division and filed with the copy of the paid check.
>
> **Department Copy (Green Copy):** The green copy is retained by the department for file documentation.

Changes or Cancellations: The department head or designated alternate signing the SPO is authorized to make changes or cancel an SPO as long as the total price does not exceed $2,000.00. Changes may be made by telephone, memorandum, or letter. For audit purposes, any changes affecting quantity, description, or date of delivery must be annotated on the SPO receiving copy (green) and returned to the Purchasing Division with the receiving information.

Expediting: Each department is responsible for all follow-up pertaining to SPO purchases. Purchasing may be contacted for advice or assistance if a problem develops.

Receiving: See Receiving Orders.

WRITTEN PRICE QUOTATIONS ($2,000.01 TO $29,999.99)

Purpose: For purchases from $2,000.01 to $29,999.99.

Procedure: Purchases of commodities and services in this expenditure range must require three (3) informal vendor written price quotes. Faxed written quotes and e-mails may be received. The vendor written quotes must be submitted on company letterhead along with the Purchase Requisition Form. The Purchase Requisition must include sufficient description of the item(s) to enable solicitation of competitive quotes. These quotes are recorded in the Written Price Quote Form (Exhibit B) and submitted along with the Purchase Requisition Form (Exhibit C).

FORMAL COMPETITIVE PROCESS (OVER $30,000)

Purpose: The purpose of the following procedures is to ensure price performance through a competitive procurement process. All purchases for commodities and services made at this expenditure level must be made via one of three (3) formal processes. The only exceptions permitted are those authorized in other sections of this manual.

Purchases Over $30,000 – Request for Bids (RFB)

A. Purpose

1. For those cases where the requirement can be specified in detail.

B. Procedure

1. This procedure is a formal sealed bid process. Departments requiring this procedure shall submit to the Purchasing Division a complete set of specifications, if applicable, in an electronic file detailing the goods or services required plus pre-bid conference, and contracts, if appropriate.

2. The Bid Request Form (Exhibit D) shall be prepared and submitted to the Purchasing Division, along with the required documents indicated on the bottom of the bid form.

3. The Purchasing Division will review the contents of the Request for Bids (RFB) document submitted and complete the specifications by adding items such as the day, date, time and place for bid openings as well as the City of Edinburg insurance requirements and any other forms or notices required. The Purchasing Division will also prepare an advertisement to be published in a newspaper of general circulation once per week for two (2) consecutive weeks with a bid due date no less than 10 days from the second advertisement. The Purchasing Division will also select appropriate vendors from the bidder's list and notify them of the bid solicitation.

4. When the bids are received at the specified time, date, and place, the bid opening will be held. The bids will be opened and read aloud by the Purchasing Division.

5. After the bid opening has been completed, the requesting Department Head shall review all bids for compliance with the specifications and select a vendor for recommendation. Vendor selection will be based on the lowest, compliant, qualified bid unless specified otherwise in the bid documents.

6. The requesting department will officially tabulate the bids. The department will also prepare an agenda item with the recommendation for City Council to award to the lowest responsible bidder meeting specifications. Vendors that do not meet the specification requirements will not be included in the bid recommendation form.

7. Once the bid has been awarded by the City Council, the requesting department will then prepare a purchase requisition and submit it to the Purchasing Division to facilitate the issuance of a Purchase Order, noting the bid number and vendor on the requisition. In addition, the agenda item and its accompanying documents must be submitted for all non-construction bids. The agenda item and all subsequent documents such as executed contracts, payment and performance bonds (if bid is over $25,000), and certificate of insurance must be submitted for all construction bids. In addition, the requesting department is responsible to mail out a letter of award to the vendor.

<u>Purchases Over $30,000.00 – Request for Proposals (RFP)</u>

A. <u>Purpose</u>

1. The purpose of this RFP is for the procurement of all products and services, not previously covered, where the requirement cannot be defined in sufficient detail for an Invitation to Bid. The request for proposals shall specify the relative importance of price and other evaluation factors, and the award of contract shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City taking into consideration the relative importance of price and other evaluation factors set forth in the request for proposals.

B. <u>Procedure</u>

1. This procedure is a formal sealed proposal process. Departments requiring this procedure shall submit to the Purchasing Division a complete set of specifications detailing the products or services required, pre-proposal conference, and contract, if appropriate.

2. The Request for Proposal Form (Exhibit E) shall be prepared and submitted to the Purchasing Division along with the required documents indicated on the bottom of the proposal form.

3. The Purchasing Division will review the contents of the Request for Proposal documents submitted and complete the specifications by adding items such as the day, date, time and place for RFP openings as well as the City of Edinburg insurance requirements and any other forms or notices required. The Purchasing Division will also prepare an RFP advertisement to be published in a newspaper of general circulation once per week for two (2) consecutive weeks with the RFP due date no less than 10 days from the second

advertisement. The Purchasing Division will also select appropriate vendors from the bidder's list and notify them of the RFP.

4. When the proposals are received at the specified time, date, and place, the RFP opening will be held. The RFP will be opened and read aloud by the Purchasing Division. Where provided in the request for proposals, proposals shall be opened so as to avoid disclosure of contents to competing offerors and kept secret during the process of negotiation; however, all proposals that have been submitted shall be opened for public inspection after contract award. Trade secrets and confidential information contained in the proposals shall not be opened for public inspections.

5. After the RFP opening has been completed, the requesting Department Head (plus any others at their discretion) shall convene an evaluation committee to rank the proposals and make a recommendation based on the predetermined criteria. Discussions in accordance with the terms of an RFP may be conducted with offerors who submit proposals and who are determined to be reasonably qualified for the award of contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the best and final offer, revisions may be permitted after submission and before the award of contract.
6. The department will prepare an agenda item with the recommendation for City Council to award to the recommended vendor.

7. Once the RFP has been awarded by the City Council, the requesting department will then prepare a purchase requisition and submit it to the Purchasing Division to facilitate the issuance of a Purchase Order, noting the RFP number and vendor on the requisition. In addition, the agenda item and its accompanying documents must be submitted for all non-construction bids. The agenda item and all subsequent documents such as executed contracts, payment and performance bonds (if proposal is over $25,000), and certificate of insurance must be submitted for all construction proposals. In addition, the requesting department is responsible to mail out a letter of award to the vendor.

<u>Purchases Over $30,000.00 – Request for Qualifications (RFQ)</u>

A. <u>Purpose</u>

1. Because price differentials may only be a minor consideration compared to the quality of the professional's work, professional services are exempted from the City's competitive bidding policy. Unless approved by the City Manager, professional services will be acquired through competitive negotiations.

B. <u>Definitions</u>

1. Professional services means services:

a. within the scope of the practice, as defined by state law of:

   i. accounting;

   ii. architecture;

   iii. landscape architecture;

   iv. land surveying;

   v. medicine;

   vi. optometry;

   vii. professional engineering;

   viii. real estate appraising; or

   ix. professional nursing.

b. provided in connection with the professional employment or practice of a person who is licensed or registered as:

   i. a certified public accountant;

   ii. an architect;

   iii. a landscape architect;

   iv. a land surveyor;

   v. a physician, including a surgeon;

   vi. an optometrist;

   vii. a professional engineer;

   viii. a state certified or state licensed real estate appraiser; or

   ix. a registered nurse.

   x. an interior decorator.

C. Procedure

1. Departments requiring this process shall submit to the Purchasing Division general specifications describing the goods or services required, the duration of the expected requirement, the vendor qualification criteria, etc. The Purchasing Division will review the contents of the documents submitted and complete the specifications by adding items such as the day, date, time and place for qualification openings as well as the City of Edinburg insurance requirements and any other forms or notices required by the City of Edinburg.

2. The Request for Qualifications Form (Exhibit F) shall be prepared and submitted to the Purchasing Division along with the required documents indicated on the bottom of the qualification form.

3. The Purchasing Division will also prepare an RFQ advertisement to be published in a newspaper of general circulation once per week for two (2) consecutive weeks with the RFQ due date no less than 10 days from the second advertisement. The Purchasing Division will also select appropriate vendors from the bidder's list and notify them of the RFQ.

4. When the qualifications are received at the specified time, date, and place, the RFQ opening will be held. The RFQ will be opened and read aloud by the Purchasing Division.
5. After the RFQ opening has been completed, the requesting Department Head (plus any others at their discretion) shall convene an evaluation committee. The committee shall review and evaluate all qualification proposals to determine qualified vendors in accordance with the specifications.

    a. Selection and award of professional services contracts and engagement of such services will be:

        i. On the basis of demonstrated competence and qualifications to perform the services, and

        ii. For a fair and reasonable price.

    b. The professional fees under the contract:

        ii. Must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations; and

        iii. May not exceed any maximum provided by law.

    c. In procuring architectural or engineering services the procedure is as follows:

i. First select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications.

ii. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

d. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural or engineering services, the City shall:

i. Formally end negotiations with that provider;

ii. Select the next most highly qualified provider; and

iii. Attempt to negotiate a contract with that provider at a fair and reasonable price.

e. The City shall continue the process described in (Sub-Section "d") to select and negotiate with providers until a contract is entered into.

6. The RFQ will be officially tabulated by the requesting department. The department will also prepare an agenda item with the recommendation for City Council to award to the recommended vendor.
7. Once the RFQ has been awarded by the City Council, the requesting department will then prepare a purchase requisition and submit it to the Purchasing Department along with an executed agreement/contract to facilitate the issuance of a Purchase Order, noting the RFQ number and vendor on the requisition. In addition, the requesting department is responsible to mail out a letter of award to the vendor.

BIDDER'S LIST (VENDOR DATABASE)

Purpose: The Purchasing Department will maintain a Bidder's List (Vendor Database) to facilitate solicitation of competitive quotations, bids, and proposals.

Procedure: The database will be updated routinely and include qualified vendors that have requested the opportunity to bid on City purchases. It will consist of various categories of vendor and firms as necessary for a comprehensive source of vendors. Periodically, the Purchasing Division will purge the database. Vendors who fail to respond may be purged from the database. Only vendors in good standing will remain on the vendor database. If a vendor demonstrates poor performance, Department Heads may request the vendor be removed from the database by submitting a letter that includes sufficient substantiation to the Purchasing Division.

SPECIFICATION ADDENDUM

Purpose: The purpose of an addendum is to serve as the formal vehicle for notification to vendors of an addition or change to an RFB, RFP, or RFQ, which has been advertised but not closed.

Procedure: The addendum shall describe any and all additions or changes to the specifications. It shall be prepared by the requesting department with the assistance of the Purchasing Division. The Purchasing Division will be responsible for ensuring that all prospective bidders are notified of the addendum. Notification will be by delivery in person, certified mail, receipted fax, receipted e-mail, or any other method that provides proof of receipt.

Comments: The Purchasing Agent must review and approve all addendums prior to distribution.

CHANGE ORDERS

Purpose: Changes specifically related to types of materials used, methods of construction and/or designs, that will generate a project performance enhancement, cost advantage, or both, and were not detected prior to the implementation of the work.

A. After performance of a construction contract begins, the City Council may approve change orders if necessary to:

   1. Make changes in plans or specifications; or

   2. Decrease or increase the quantity of work to be performed or materials, equipment, or supplies to be furnished.

Procedure: Departments will be responsible for obtaining all required signatures on the Change Order Form (Exhibit G). Three (3) original forms are required.

Comments: The total price of a contract may not be increased by a change order unless a provision has been made for the payment of the added cost by the appropriation of current funds or bond funds for that purpose, by the authorization of the issuance of certificates, or by a combination of those procedures. The original contract price may not be increased by more than 25%. The original price may not be decreased by more than 25% without the consent of the contractor. If a change order involves a decrease or an increase of $15,000 or less, the City Manager is authorized to approve the change order. If a change order involves a decrease or an increase of $15,000 or more, the City Council must approve the change order.

PURCHASE REQUISITIONS

Purpose: The purchase requisition serves to inform the Purchasing Division of a request for goods or services. It provides a record of the request and an approval to encumber funds. The Department Head or a designated alternate must sign the requisition. The requisition is to be used to obtain materials, supplies, and equipment not available through the Purchasing Office Inventory Supply and Building Maintenance Janitorial Supply Inventory.

Procedure: Individual departments are required to prepare the purchase requisition and route the form through interoffice mail with required attachments (i.e., price quotes, contracts, approved recommendation forms, tabulation sheets, etc.). Submit copies of faxes not originals and staple all documents securely to the purchase requisition.

Preparation: A sample of the Purchase Requisition Form (Exhibit C) is provided with numbers referring to all the boxes and/or columns needed to complete the form. Instructions on how to fill out the purchase requisition are on the back of the form.

A. The purchase requisition is used to inform the Purchasing Division of the needs of individual departments. It is used to obtain items not available through Purchasing Office Supply Inventory or Building Maintenance Janitorial Supply Inventory. A purchase requisition is required for any purchase of $2,000.01 and over for the purchase of goods or services. A purchase requisition is also required for purchases under $2,000.00 from vendors that are not located within the Rio Grande Valley.

B. Supporting documentation in the form of a written price quote form and three (3) formal written price quotes on company letterhead must be submitted with the purchase requisition for any purchases between $2,000.01 through $29,999.99.

C. If the purchase is $30,000.00 and over, supporting documentation in the form of the agenda item and recommendation form with the approval from the City Council is required. In addition, all subsequent documents such as executed agreements/contracts, payment and performance bonds (if proposal is over $25,000), and certificate of insurance must be submitted for all construction projects and/or professional services.

D. It is the responsibility of each department to submit the required supporting documentation with each purchase requisition.

PURCHASE ORDERS

Purpose: The purpose of a Purchase Order is to officially and formally commit to a purchase from a vendor (business, firm, agency, supplier, etc.). The purchase order form will be prepared and generated by the Purchasing Division to ensure encumbrance of all purchasing transactions of the City's financial system.

Procedure: After receipt of the requisition form, the selection of the vendor, and the award of the purchase, the Purchasing Division will complete and distribute the final version of the purchase order.

Preparation: The Purchasing Division is responsible for preparation of the purchase orders.

Distribution: The purchase order is printed on a four (4) part Purchase Order form and is distributed as follows:

> **Vendor Copy (White Copy):** The white copy is mailed to the vendor as authority to ship to the City materials or services as indicated.
>
> **Encumbrance Copy (Yellow Copy):** The yellow copy is used to record the encumbrance. This copy is also the voucher check file copy which is retained by the Finance Accounts Payable Division and filed with the copy of the check.
>
> **Department Copy (Pink Copy):** The departmental copy is routed back to the department originating the requisition.
> **Receiving Copy (Goldenrod Copy):** The goldenrod copy is sent to the user department to be held in a pending file until all of the items or services are received. If "partial" shipment is received, a Release Order form must be completed.

Comments: In order to comply with House Bill 275 and avoid the interest penalty, invoices must be paid within thirty (30) days after delivery or invoice date. Attach all packing slips or delivery tickets to the goldenrod receiving form and submit them to the Purchasing Division by no later than the next working day.

BLANKET PURCHASE ORDERS

Purpose: Blanket purchase orders may be issued at the Purchasing Agent's discretion and can be for cases such as: services for repair, electrical, insect control, etc. that may be needed; or the expedient purchase of small quantity, low cost materials on an as needed basis from a local supplier, etc., throughout a time frame that may not exceed the fiscal year.

EMERGENCY PURCHASE ORDERS

Purpose: We realize that emergencies do occur. Emergency purchases are those needed to avoid interruption in City services and to preserve or protect public health and safety. In these instances, the bidding requirements shall not apply, but the following procedure shall be applicable. Purchases made in emergency situations are more costly than routine purchases; therefore, they must be kept to a minimum. Poor planning, overlooked requirements, or negligence may cause the need for expedited purchases, but are not true emergencies.

Procedure: When emergencies arise that are not covered by maintenance agreements or contract P.O.'s, notify the department head immediately. Emergency purchases require an emergency purchase request form to be signed by the department head, and be submitted to the City Manager who shall determine if an emergency situation exists and may authorize the requested procurement. Upon authorization from the City Manager, contact the Purchasing Division for a P.O. #. The confirming requisition shall include the emergency purchase form and the supporting documentation. Such emergency purchases require the City Council's review at the next regular meeting. The information needed to receive a P.O. number is the vendor arrangements, the complete description of the item or service required, and the specific costs involved. On emergency items, generally depending on circumstances (nights and weekends) three (3) quotes are required for all orders valued over $2,000.01. Written price quote forms are to be used when vendors are contacted for price and availability. Payment and performance bonds (if emergency bid is over $25,000) and certificate of insurance must be submitted for all construction bids.

Preparation: A sample of the Emergency Purchase Request Form is provided (Exhibit H) with numbers referring to all the boxes and/or columns needed to complete the form. Instructions on how to fill out the emergency purchase are on the back of the form.

Distribution: The Emergency Purchase Request Form is a two (2) part form and is distributed as follows:

> **Finance Copy (White Copy):** Attached to the confirming purchase order and kept with the vendor account payable file.
>
> **City Secretary Copy (Yellow Copy):** The Purchasing Division will route the Emergency Purchase Request Form to the City Secretary's office for Central File records.

Comments: The Finance Department will include all Emergency Purchase Request Forms when it submits its monthly reports for City Council review.

STATE PURCHASING PROCUREMENT

Purpose: The State Purchasing and General Services Commission has established a program by which the Commission performs purchasing services for local governments. The City of Edinburg is a member of the Houston Galveston Area Council (HGAC), Local Government Purchasing Cooperative (Buyboard), Texas Multiple Award Schedule (TXMAS), Department of Information Resources (DIR), Texas Interlocal Purchasing System (TIPS), National IPA an Omnia Partner (NIPA), U.S. General Services Administration (GSA) (some restrictions apply), and the Texas Facilities Commission (TFC), formerly the Building and Procurement Commission (TBPC). This program frequently saves time, money, and effort in local purchasing. In addition, a purchase of items under a State contract satisfies any State law requiring the local government to seek competitive bids for the purchase of the item. In many cases, the vendors are the same ones that are already doing business with the local governments.

Procedure: The Department Heads are responsible for reviewing the available contracts from the State. Once the department has determined what goods and/or services need to be purchased from a vendor that is on either of the state contracts mentioned above, a purchase requisition needs to be prepared. The purchase requisition needs to be submitted with documentation indicating that the goods and/or services being recommended for purchase have been awarded by the State to the vendor being recommended. This needs to be done for every purchase requisition regardless if a previous purchase for the same goods and/or services has been submitted. The Purchasing Division will review and approve the purchase requisition and prepare the purchase order.

Comments: Purchases exceeding $30,000.00 will need to be approved by City Council. Purchases utilizing the State Purchasing Procurement will require City Manager approval.

SEMI-ANNUAL/ANNUAL CONTRACTS

Purpose: Purchasing awards semi-annual and annual contracts to vendors for supplies, equipment, and services routinely required by one or more departments. Contracts protect pricing for a six (6) month or one-year periods, and allow user departments to telephone orders directly to the vendor. This eliminates requisition and processing time.

Procedure: All releases during the contract year will be placed directly by the user department under the same, original P.O. number each time. For all receipts, attach the packing slip or delivery ticket to a completed Release Order. Submit all receipts to the Purchasing Division by no later than the next working day.

Comments: Each user department is responsible for keeping a copy of the Contract Purchase Order on file and to know when their annual contracts will expire.

MAINTENANCE AGREEMENTS

Purpose: The City maintains service agreements with manufacturers and authorized service centers for most of its office machines such as copiers, printers, hardware, software, etc. It is the duty of each department to inform their respective vendors of any equipment dispositions that make it necessary to add or alter an existing maintenance agreement.

Procedure: Each user department is responsible for automatically renewing their maintenance agreements. Each user department is responsible for arranging repair service for equipment that is covered under a Maintenance Agreement. If equipment needs repair and a Maintenance Agreement does not exist, submit either a standard requisition or (if urgent) an emergency purchase order.

CHECK REQUISITIONS

Purpose: Check Requisitions are to be used for all payments which must be prepaid or when vendors do not accept the City's purchase orders. Check Requisitions apply to membership dues, subscriptions, utility billings, credit card charges, employee reimbursements, and seminar registrations. Check Requisitions may also be used for after-hour emergencies, but only in situations where SPO's are not accepted.

Preparation: Submit the Check Requisition Form with invoices or order forms to the Finance Department for processing. The individual departments are responsible for all copies that must be mailed or filed with the vendor files. Failure to attach copies will delay the processing of the check requisition. A sample of the Check Requisition Form is provided (Exhibit I) with numbers referring to all the boxes and/or columns needed to complete the form. Instructions on how to fill out the check requisition are on the back of the form.

Comments: Each department is responsible for ensuring the items are received as ordered.

All refunds are to be mailed to:

City of Edinburg
Attn: Finance Department
P.O. Box 1079
Edinburg, Texas 78540

PETTY CASH

Purpose: The Finance Department maintains a petty cash fund that can be used by City departments. Any item bought with Petty Cash cannot exceed $50. User departments make these purchases directly with the vendor and will be reimbursed by the Finance Department providing the proper Petty Cash Voucher is completed and a copy of the receipt is attached.

Preparation: A sample of the Petty Cash Voucher is provided (Exhibit J). An explanation of the boxes and/or columns is as follows:

DATE:	Current date
DESCRIPTION:	Detail explanation for petty cash
AMOUNT:	Dollar amount requested
CHARGE TO ACCOUNT:	Account number to be charged
REQUESTED BY:	Person requesting petty cash
DEPARTMENT DIRECTOR:	Signature of Department Director
APPROVED BY:	Signature of Director of Finance and Date

Comments: It is important to remember that the City is exempt from paying any local or state sales tax; therefore, you will need a signed Tax Exemption Certificate at the time of purchase to verify that you work for the City. Otherwise, you will be charged tax by the vendor and may not be reimbursed for that tax by the City. This will apply if the vendor does not accept the Tax Exemption Certificate or City of Edinburg Tax I.D. number 74-6000714.

TAX EXEMPTION CERTIFICATES

Purpose: The City is exempt from payment of all local and state sales tax and federal excise tax.

Procedure: When it is necessary to provide a vendor with a copy of an exemption certificate, contact the Accounts Payable Clerk where copies of the different tax exemption certificates are kept on file (Exhibit K).

AFTER THE ORDER

Purpose: The purchasing function is not accomplished by simply placing an order with a supplier. Sometimes satisfactory delivery requires expediting, cancellation, or changes. Follow-up or expediting delivery of the order is part of the purchase process, and can be most effectively handled by the Purchasing Division; therefore, any inquiries concerning late deliveries or long lead times should go through the Purchasing Division.

Procedure: A purchase order cannot be amended unless a Cancellation/Change memo is processed. To cancel or change a purchase order, the user department must inform the Purchasing Division by written memo as soon as possible. The user department will then notify the vendor. A copy of the memo will be attached to the encumbrance copy of the P.O. In addition, if it is a P.O. cancellation, the P.O. receiving copy (goldenrod) must also be attached to the memo. It is the duty of the receiving department to inspect all items or services received. If the items delivered are not acceptable, notify the Purchasing Division immediately. The Purchasing Division will take immediate action to obtain replacement by the vendor, or otherwise supply the department with the correct materials.

Comments: If the user department experiences problems with a vendor pertaining to delinquent delivery, quality of product or service, invoicing problems, etc., please notify the Purchasing Division as soon as possible. Persistent problems should be documented in writing for future vendor evaluation.

RECEIVING ORDERS

Purpose: When any material, equipment, or supplies are received, the department which placed the requisition or order is responsible for inspecting the shipment and initiating the payment process. This should be done as promptly as possible to take advantage of early payment discounts and/or give the Finance Department the processing time it needs to avoid interest and/or penalties.

Procedure: All items must be inspected upon receipt, and whenever possible, in the presence of the vendor or shipper. Inspection should include verification of correct delivery site, verification of correct quantities, verification of correct P.O. number on the packing slip, and inspection for damaged or defective goods. When all items or services ordered on a purchase order are received complete (except for standing orders and contracts), attach invoice, packing slip, or delivery ticket to the P.O. receiving copy (goldenrod) signed by Department Director or designated alternate, and submit to the Purchasing Division by no later than the next working day.

RELEASE ORDERS

Purpose: The Release Order Form is the designated receiving form to be used when a shipment is received in two (2) or more (partial) deliveries. It is also the receiving form used for all semi-annual and annual contracts.

Procedure: After inspection of goods or services are received, attach the invoice, the packing slip or delivery ticket to a completed Release Order, and submit to the Purchasing Division for processing within one working day after receipt.

Preparation: A sample of the Release Order is provided (Exhibit L) with numbers referring to all the lines and/or columns needed to complete the form. Instructions on how to fill out the release order are on the back of the form.

INVOICES

Purpose: An invoice is an itemized statement of merchandise or service provided by the vendor. It contains the same information as the purchase order, and is the means for settlement of financial obligations incurred when the purchase order is issued.

Procedure: All invoices are generally mailed directly to the Finance Department where they are routed to the various departments. Departments will attach the invoice to the P.O. receiving copy (goldenrod) or release order form and return to the Finance Department for processing. If the shipping and receiving forms are in agreement, they will be processed for payment. If there is a discrepancy on the original P.O. and/or invoice that affects the quantity ordered or unit price, and results in the P.O. and invoice not matching, a cancellation/change memo must be processed to insure invoice payment.

Comments: If any invoices are sent to a user department by a vendor, forward immediately to the Finance Department, and notify the vendor that all future invoices should be sent directly to the Finance Department.

PROMPT PAYMENT ACT

Purpose: Texas House Bill 275, requires that all local governments must pay bills for goods and services within thirty (30) days of the delivery or invoice date, or interest of 1% per month shall be automatically imposed.

Procedure: In order to comply with HB 275, and avoid the interest penalty, all invoices must be sent directly to the Finance Department, and all receiving reports and partials must be submitted for processing no later than the next working day.

FREIGHT

Purpose: Most purchases require shipping materials to the City. The cost of shipping is either paid directly by invoice, or indirectly when shipping is included in the quoted price of the goods. Once shipping terms are established, they are specified on the purchase order.

Definitions: The following terms are designated shipping arrangements:

> **F.O.B. Destination:** The vendor is responsible for payment of all shipping and damage liability charges from the point of shipment to the final destination.
>
> **F.O.B. Shipping Point:** The City assumes responsibility for all shipping and damage liability charges, upon merchandise leaving the vendors dock.

SHIPPING OR RETURNS

Purpose: If it becomes necessary to return goods to a vendor or ship a package, it is the responsibility of each department to prepare the item for shipment. It is the responsibility of the departments to return all goods.

Procedure: In order to ship a package by freight carrier, the department must call freight carrier and get the shipping rate. Freight carrier requires the weight, the overall dimensions of the package and the zip code of the destination. When the shipping rate is determined, payment may be made by a Check Requisition or Petty Cash Voucher if it is $50 or less, and the money is taken with the package to the freight carrier station.

CITY INVENTORY

Purpose: Building Maintenance and Purchasing maintain an inventory of commonly used janitorial, office as a service to all City departments. The primary purpose is to take advantage of large quantity price breaks and for employee convenience by stocking janitorial materials and office supplies that are needed on a routine basis by all departments.

Procedure: Departments will use the Janitorial Supply Inventory Order Form (Exhibit M) to request all Building Maintenance supplies. Purchases will be charged to individual departments by the Finance Department. Requests for office supplies will be done on an Office Supply Inventory Form (Exhibit N).

Comments: Office supplies may be requisitioned every working day between 8:00 AM and 12:00 PM. A complete list of janitorial and office supplies will be regularly routed to all departments. For any inquiries concerning stock items, contact the Purchasing or Building Maintenance Departments.

DISPOSAL OF SURPLUS PROPERTY

Purpose: Finance will coordinate responsible departments for the final disposition of City-owned, surplus property, ranging from rolling stock (automobiles, trucks, tractors, backhoes, etc.) to scrap items (old batteries, used tires, scrap metal, antiquated replacement parts, etc.). It will also assist in disposing of all abandoned, stolen, or recovered property that has remained unclaimed with the Police Department for more than thirty (30) days. Disposal of this surplus property will be through public sale to the highest bidder.

Procedure: Prior to a scheduled auction, the Purchasing Agent will notify each department to prepare and submit a list of surplus properties. A comprehensive list will then be circulated to all departments to determine whether any items could be used in other areas of the City. Each department is responsible for moving surplus items to the warehouse or designated place where Finance Department personnel will identify and tag all properties scheduled for auction. The public sale will be conducted by selling items to the highest bidder. All proceeds derived from the auction will be deposited into the General Fund or TCSA Fund (forfeiture items).

Comments: City of Edinburg employees, directly or indirectly, cannot bid on, or purchase any article offered for sale at a City auction.

SECTION V - EXEMPT PROCUREMENT

Purpose: The provisions of this section shall not apply and the requirements of competitive bids need not be taken regarding the procurement of the below listed materials, supplies, equipment, and services.

Procedure: Normal purchasing procedures will be followed such as a purchase requisition, SPO, or P.O. is still required. The only exception to the following "exempt" procurement is that no competitive bids need to be obtained.

A. Procurement made in case of public calamity that requires the immediate appropriation of money to relieve the necessity of the citizens or to preserve the property of the City;

B. Procurement necessary to preserve or protect the public health or safety of the City of Edinburg's citizens;

C. Procurement made necessary because of unforeseen damage to public machinery, equipment, or other property;

D. Procurement for personal, professional, or planning services (i.e., CPA, architect, physician, surgeon, optometrist, registered surveyor, engineer, or any group or association thereof);

E. Procurement for work that is performed and paid for by the day as the work progresses;

F. The purchase of land or a right-of-way;

G. Procurement of items that are available from only one source, including

   1. Items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
   2. Films, manuscripts, or books;
   3. Gas, water, and other utility services;
   4. Captive replacement parts or components for equipment; or
   5. Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
   6. Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.

7. Purchase of rare books, papers, and other library materials for a public library;

8. Services performed by blind or severely disabled persons;

9. Goods purchased by a municipality for subsequent retail sale by the municipality;

10. Electricity; and

11. Advertising, other than legal notices.

<u>Comments:</u> The determination of whether the conditions exist allowing the use of the provisions of this section shall be made by the Purchasing Agent, Director of Finance, and City Manager or his designated representative.

SECTION VI – TRAVEL POLICY

Purpose: This policy is intended to ensure clear and consistent understanding of policies and procedures regarding City travel and other business expenses, as well as the documentation required for substantiation.

Preparation: A sample of the Travel Request and Report Form is provided (Exhibit O) with numbers referring to all the boxes and/or columns needed to complete the form. Instructions on how to fill out the Travel Request and Report Form are on the back of the form.

A. Travel expenses shall be allowed only for City employees, City Council, and Advisory Board Members while on official business. The purpose of the trip must be for the City's benefit and/or be related to the department's primary business activities as follows:

   1. To obtain statutorily required continuing professional education;

   2. To obtain continuing education related to an employee's work or maintenance of a license or certification;

   3. To participate in professional organizations related to the employee or official's job assignment;

   4. To carry out other purposes determined by the City Council to be in the interest of the City.

B. Sufficient funds must be available in the adopted budget before expenditure is made.

C. Travel expenses must be reasonable and necessary. Any inappropriate or excessive costs will be at the expense of the traveler.

D. Preference should be given to local and in-state training, unless training is not available locally or in-state.

E. Method of Payment for Travel Expenses

   1. Direct Payment - The Finance Department may pay registration fees, hotel, and airline reservations directly to vendors. The request for payment must be received with sufficient time for the check to be processed by the Finance Department - Accounts Payable (at least two weeks prior to the date the check will be needed).

   2. Procurement Travel Card - If request for payment is not received within the time specified above, the Purchasing Division should be contacted in order to request that payment be made through the City's travel card.

3. Traveler's Personal Credit Cards and/or Cash – Unforeseen travel expenses incurred by employees and officials while conducting City business may be paid through personal credit cards and/or cash. The employee or official will be reimbursed by the City for reasonable and allowable expenses in accordance with this policy upon completion of the travel. The City will not reimburse interest and late charges incurred in a personal credit card by the traveler.

4. Travel Advance - The employee or City Official may also receive a travel advance.

F. Air Travel

1. The most economical airfare should be obtained (only coach fare will be allowed). If travel more expensive than coach fare is obtained, the fare must be paid with the traveler's funds and the difference between the coach fare and the fare obtained will not be reimbursed to the traveler. Refundable fares should be considered if the possibility of a trip cancellation exists. Commercial airlines are normally the most economical mode of transportation for out-of-state travel. Airline tickets should be reserved in advance, when possible, in order to obtain the most reasonable rates.

2. Airline tickets may be purchased with the City's travel card by obtaining a P-Card from the Purchasing Division.

3. The original passenger receipt issued by the commercial airline company or an original itinerary issued by the travel agency must be submitted as supporting documentation for a reimbursement. The original receipt or itinerary must include the name of the employee and airline, the ticket number, the class of transportation, the travel dates, the amount of the airfare, and the origin and destination of each flight.

G. City Vehicle

1. City vehicles will be used in lieu of personal vehicles when available. Traveler is required to have a current driver's license.

H. Personal Vehicle

1. If a City vehicle is not available, a City Official or employee may elect to travel by personal vehicle. The City will reimburse official business travel at the City adopted rate per highway mile. City Officials or employees currently receiving an approved car allowance will not be reimbursed, unless travel is outside of Hidalgo County.

2. Mileage reimbursements for a traveler who chooses to drive out-of-state rather than fly should not exceed the lowest round trip coach airfare available at the time travel was authorized. Traveler must supply documentation to support what the airfare would have been at that time.

I. Car Rentals

1. Car rentals will be reimbursed when it is the most economical means of transportation.

2. Car rental reservations should be made in advance to ensure availability of appropriate size and type of vehicle. Rental cars are to be restricted to size and type as follows:

    a. Compact, midsize, or full size car when used by one to four City employees.

    b. Midsize sport utility or minivan when used by four or more City employees.

    c. Rental of "luxury" and large "sport utility vehicles" such as a Chevy Suburban, Ford Expedition, or similar models are not allowed. However, rental of these types of models will be allowed if the car rental company honors the rate for the applicable size and type of vehicle allowed by policy.

3. Rental of cars is acceptable for one day before the meeting or conference begins whenever same day rental is not practical. Return of rental vehicle one day after the meeting or conference ends is acceptable if same day return is not practical.

4. The name of each employee that may drive the rental car must appear on the rental agreement to ensure proper coverage.

5. It is encouraged that car rentals be re-fueled prior to returning the vehicle to the car rental company in order to avoid high-priced gas charges. In addition, the original gas receipt must be submitted to the Accounts Payable Division.

6. The original car rental receipt/bill and car rental agreement must be submitted as supporting documentation for payment or reimbursement. The original car rental receipt/bill must indicate the starting and ending dates of rental, rental rates, specify the name of the car rental company, specify the name of the renter and additional drivers, if any, and itemize all other expenses incurred. The car rental company agreement must include the name and signature of the individual that picked up and returned the vehicle, the time and date the vehicle was picked up and returned, the location where the vehicle was picked up and returned, and the amount of miles that were traveled.

J. Taxis, Buses, and Other Ground Transportation

1. Taxis, buses, or other ground transportation to and from airports are allowable expenses only when necessary. The use of a hotel shuttle service is the preferred method of travel at out-of-town locations, if available.

2. Limousine service is not allowed.

3. Original receipts must be submitted in order to obtain reimbursement.

K. Lodging

1. Single room occupancy lodging costs will be reimbursed at actual cost supported by an itemized receipt, not to exceed the maximum daily allowance. Hotel reservations should be made in advance by utilizing the General Services Administration (GSA) Schedule in order to obtain the most economical rates (government, conference, and other available discount rates, etc.). The pretax GSA daily lodging costs shall be used to determine the maximum amount that may be reimbursed. GSA allowance rates may be obtained at www.gsa.gov.

2. Under special circumstances, an approving authority may determine that local conditions necessitate a higher lodging rate. The relevant circumstances supporting the determination must be documented and attached to the Travel Request and Report Form.

3. Established conference rates may be used in lieu of the GSA daily lodging rate with supporting documentation. If the traveler is staying at the hotel where the seminar/conference/meeting is held, the City will pay the applicable single occupancy room rate, conference rate, or government rate. Where conference rates are not available, traveler should choose the lowest price available for comparable lodging.

4. Employees shall request "government rates" when making travel arrangements.

5. Hotel reservations can be made with the City's travel card by obtaining a P-Card from the Purchasing Division. The travel card cannot be utilized to book hotel reservations with rates higher than allowed by this policy. Hotel reservations at a rate above the allowable rate must be paid using the traveler's own personal credit card or funds. If a spouse and/or dependent(s) accompany the official or employee, the City will not reimburse the difference in hotel room rates above the single occupancy room rate.

6. Arrival one night before the day the meeting or conference begins is acceptable whenever same day travel is not practical. However, arrival the same day the meeting or conference begins is required if the meeting or conference is taking place within 100 miles from the traveler's normal place of work and the meeting or conference begins at or after 10:00 AM. Arrival the day that the meeting or conference begins is encouraged whenever the meeting or conference begins at or after 12:00 PM and the location of the meeting or conference is less than 300 miles away.

7. Return on the day after the meeting or conference ends is acceptable whenever same day travel is not practical. However, return the same day that the meeting or conference ends is required if the meeting or conference is taking place within 100 miles from the traveler's normal place of work and the meeting or conference ends at or

before 3:00 PM. Return the same day that the conference or meeting ends is encouraged whenever the meeting or conference ends before 12:00 PM and the location of the meeting or conference is less than 300 miles away.

8. Extra hotel nights for personal reasons will be at the City Official's or employee's own expense and will not be reimbursed. Extra hotel nights for personal reasons will not be paid using City funds or the City's travel card.

9. A traveler may not be reimbursed for a lodging expense incurred at a place that is not a commercial lodging establishment.

10. An original lodging receipt showing payment in full must be submitted as supporting documentation for payment or reimbursement. The receipt must include the name and address of the commercial lodging establishment, the name of the employee, the single occupancy room rate, and a daily itemization of the lodging charges.

11. For non-city employee travel advances, it will be the responsibility of the Department Director being charged the travel expenditure(s) to account for and ensure that all required supporting documentation is submitted within one (1) week.

L. Meal Allowance

1. The City shall pay actual necessary transportation and living expenses for an employee or City Official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. In lieu of itemized receipts for meals, a per diem allowance of $40 per day is authorized based on $10 for breakfast, $15 for lunch, and $15 for dinner. Even if supported by a receipt, reimbursement shall not exceed $25 for any one meal. In lieu of itemized receipts for meals for out-of-state travel, a per diem allowance of $50 per day is authorized, based on $15 for breakfast, $15 for lunch, and $20 for dinner.

2. Guidelines for departure/arrival times for meal reimbursements are as follows:

DEPARTURE TIME FROM WORKPLACE	ARRIVAL TIME AT WORKPLACE (FROM OUT-OF-TOWN TRAVEL)
Before 7:30 a.m. (breakfast only)	6:00 a.m. thru 7:00 a.m. (breakfast only)
Before 12:00 p.m. (lunch only)	1:00 p.m. thru 6:59 p.m. (breakfast & lunch)
Before 6:00 p.m. (dinner only)	7:00 p.m. thru 12:00 a.m. (breakfast, lunch, dinner)

M. Non-Allowable Travel Expenses

1. Alcoholic beverages;

2. Valet parking (if self-parking is available);

3. Tips and gratuities in excess of 15% of the actual meal cost;

4. Personal long distance telephone calls;

5. Personal items, such as prescriptions, cosmetics, movies, golf, health club, spas, haircuts, shoe shines, newspapers, laundry/dry cleaning charges, etc.;

6. Loss of funds or personal belongings;

7. Extra day or days on the trip for personal reasons;

8. Luxury & large sports utility vehicle rental cars;

9. Additional charges for accommodations, meals, travel, etc., for individuals not on City business who accompany the traveler on an authorized City business trip;

10. Fines, court costs, and related expenses;

11. Meals for non-overnight travel;

12. Interest, over the limit, or late charges incurred in a personal credit card;

13. Expenses deemed unreasonable, excessive, unsupported or unexplained;

14. Expenses of a spouse; and

15. Other items of a personal nature.

N. Travel Advances

1. Travel advances are to be given to the requesting employee and may not be given to or used by another employee. Likewise, the travel advance is issued for a specific trip and may not be used for a trip different than the one that was listed on the original request.

2. Travel advances are the sole responsibility of the traveler and such funds should be safeguarded from loss or misuse.

3. Travel advance requests must be received by the Accounts Payable Division with sufficient time for the check to be processed (at least two weeks prior to the date the check will be needed). If request is not received within the time specified, a travel advance check may not be processed and the traveler will have to use a personal credit card and/or cash.

4. If the official or employee elects to travel by personal vehicle, the employee may be

advanced mileage calculated on a point-to-point basis using the Texas Mileage Guide at the current City adopted rate per highway mile.

5. If attendance at the seminar/meeting/conference is cancelled, travel advances should be immediately returned to the Accounts Payable Division no later than 10 calendar days after the seminar/conference/ meeting date.

6. Individuals receiving a travel advance are required to account for the advance within 10 calendar days after the seminar/conference/meeting date. Original itemized receipts (except meal receipts) must be submitted in order to obtain reimbursement for allowable expenses paid by the traveler. Subsequent travel advances requested by the department on behalf of a traveler with an outstanding travel advance will not be made.

O. Travel Cancellations

1. If it becomes necessary to cancel a trip, the traveler is required to make all necessary cancellations, notify the Purchasing Division if City's travel card was used for reservations, and/or the Accounts Payable Division if payments were made in advance (seminar registration, hotel accommodations, airfare, and car rental, etc.).

SECTION VII – FOOD PURCHASE POLICY

Purpose: This policy is intended to ensure clear and consistent understanding of policies and procedures regarding the purchase of food as well as the documentation required for substantiation.

A. Allowable food purchases are:

1. Departments may purchase food (snacks, beverages, sweet bread, etc.) if they will be hosting some type of employee training and the instructor, trainer, consultant, advisor, and/or presenter is not a City employee. Purchase must be pre-approved by the Department Director.

2. Departments may purchase food for employees working after scheduled hours due to an emergency. Emergencies such as hailstorms, severe thunderstorms, hurricanes, etc., must be declared by the City Manager. Day to day responses to Public Safety emergency calls do not constitute as emergencies for these criteria.

3. Departments can pay for meals during luncheon meetings only when City staff members are hosting individuals from an outside entity/agency and they are discussing City business. The City will not pay for meals when the luncheon meetings involve only City staff members. A list of attendees receiving meal must be attached to invoice(s) submitted for payment.

4. The Fire Chief and/or authorized individuals are allowed to use City funds to provide Volunteer Firefighters (only non-paid volunteers) meals after an incident response lasting a minimum of two (2) hours. Amount per meal provided must not exceed amount in the City's current travel policy. A list of volunteer firefighters receiving meal must be attached to invoice(s) submitted for payment.

5. Departments may purchase food (meals, snacks, beverages, sweet bread, etc.) if they will be hosting some type of meeting during the lunch hour relating to City business. These meetings must host City Councilmember, instructor, trainer, consultant, advisor, engineer, presenter, etc. that is not a City employee. A list of attendees receiving meal must be attached to invoice(s) submitted for payment.

6. Departments are allowed to purchase water, Gatorade, and Powerade only for employees working out in the field for fluid replenishment purposes due to weather conditions. Office employees must purchase their own water.

7. Departments are allowed to purchase soft drinks for use in meetings involving outside individuals (non-city employees). Drinks purchased with City funds are for guests only.

B. Departments are not allowed to use City funds to:

1. Purchase food such as tacos, sweet bread, snacks, etc. for their staff meetings; and

2. Purchase any type of food and/or supplies for birthday/holiday/retirement parties.

C. City employees shall not accept monetary donations and/or food from vendors for the purpose of Departmental employee gatherings (holiday party, birthday party, retirement party, etc.), with the exception of the City's Annual Employee Award Banquet.

GLOSSARY

ADDENDUM – an addition or change in the already prepared specifications that an invitation to bid or quotation had already been mailed out for sealed bids and/or proposals.

ANNUAL BIDS – bids conducted once per year for goods and services to be purchased during the course of the year. Contracts protect pricing for a period of one year, and are awarded to vendors by purchase order for supplies, equipment, and services routinely required by one or more departments.

APPRAISAL SERVICES – real property appraisals.

ARCHITECTURAL SERVICES – (See Professional Services)

AUDIT SERVICES – (See Professional Services)

BID BOND – a bond obtained by a bidder to guarantee his/her bid.

BID OPENING – the formal process of opening sealed bids and proposals.

BIDDER'S LIST – the list of vendors to receive requests for quotes, ITBs, RFPs, etc.

BLANKET PURCHASE ORDER – a purchase order issued with a general description of goods or services which can be used for several purchase transactions over a period of time.

CHECK REQUISITION – a form used for all payments which must be prepaid, or when vendors do not accept the City's purchase orders. For example: subscriptions, membership dues, utility billings, credit card charges, seminar registrations, and after-hour emergencies where SPO's are not accepted.

COMMODITIES – any goods, materials, products, supplies, or equipment.

COMPETITIVE NEGOTIATIONS – negotiations with a Professional Services firm selected via the RFP process.

CONTRACT (for purchasing purposes) – a formal, written agreement between the City of Edinburg and a specific vendor for a particular purchase or service. The Purchase Order is also a type of contract.

EMERGENCY – Situations that could result in damage to persons or property or an economic loss if the purchase is not made immediately.

ENGINEERING SERVICES, PROFESSIONAL – (See Professional Services)

EXEMPTIONS – certain types of purchases or sources for purchases which are exempt from the normal competitive procurement process.

FORMAL COMPETITIVE PROCESS – the formal ITB or RFP process used to procure goods and services.

ITB – (See Invitation to Bid)

INTERNAL PURCHASES – purchases made between two departments.

INVITATION TO BID (ITB) – a formal invitation to submit a sealed bid for a specific item or service.

LANDSCAPE ARCHITECT SERVICES – (See Professional Services)

LEGAL SERVICES – (See Professional Services)

MAINTENANCE AGREEMENTS – agreements with manufacturers and authorized service centers the City has in place for most of its office machines. Each department is responsible for maintaining their own service agreements.

MEDICAL SERVICES – all medical related services such as physicians, hospital, wellness program, consulting, insurance admin., etc.

OUTSIDE PURCHASES – purchase made from outside vendors, agencies, etc.

PETTY CASH PURCHASE – a method used for the reimbursement of purchases by City of Edinburg staff of items or services whose cost is normally in the price range of $0.01 to $50.00.

PHYSICAL INVENTORY – the physical verification of inventory items.

PO – (See Purchase Order)

PRE-BID CONFERENCE – a meeting of all interested parties prior to the opening date of the formal "Sealed Bid" at which time all questions and abnormalities concerning the project are discussed.

PRE-PROPOSAL CONFERENCE – (See Pre-Bid Conference)

PRICE ESTIMATE – a price given by a vendor for an item or service which is not necessarily a firm quote.

PROFESSIONAL SERVICES – assistance obtained in support of City of Edinburg operations from an independent contractor in one of the following professional fields: (architectural, engineering, landscape architecture, and registered land surveying as defined by Texas Statutes; and legal services; and audit and accounting services).

<u>PURCHASE ORDER</u> – the formal document that officially and legally commits the City and encumbers funds to purchase an item or service.

<u>PURCHASE REQUISITION</u> – a request for the purchase of items or services, not an authorization to purchase.

<u>PROCUREMENT CARD</u> – a credit card, usually a Master Card.

<u>REAL PROPERTY</u> – real estate.

<u>RECEIVING REPORT</u> – the copy of the Purchase Order, or General Receiving Report used to officially acknowledge receipt of goods or services as a prerequisite to payment for the goods or services.

<u>REQUEST FOR PROPOSAL</u> – issued for the procurement of goods or services. This method can be used to: (a) obtain goods and services when the compilation of detail specifications is not appropriate; or (b) obtain Professional Services as defined herein.

<u>REQUEST FOR QUALIFICATIONS</u> – issued for the purpose of qualifying vendors in anticipation of procurement of professional services.

<u>SEALED BID</u> – a formal bid submitted in a sealed envelope to be opened at a date and time specified in the Invitation to Bid.

<u>SMALL PURCHASE ORDER (SPO)</u> – allows individual departments to place minor purchase orders directly with approved vendors for certain miscellaneous items and services. The total order must not exceed $749.99, including minimum shipping and handling charges. May be used anywhere in the Rio Grande Valley area.

<u>SOLE SOURCE:</u> Product or service that is only available for purchase through the specific identified vendor. These vendors are usually the manufacturer.

<u>SPECIFICATIONS</u> – minimum and/or maximum guidelines or limitations required for items or services to be purchased.

<u>TABULATION</u> – a complete list of all sealed responses received for a single RFB, RFP, or RFQ. (Includes all pertinent information such as vendor name, price, delivery time, options available, ranking and/or exceptions made to the specifications).

<u>VENDOR</u> – an individual, company, or agency that either is available to sell goods or services to the City of Edinburg or has sold goods or services to the City of Edinburg in the past.

<u>VERBAL QUOTATION</u> – a verbally stated quotation of price by a vendor.

<u>WRITTEN QUOTATION</u> – a quotation of price stated in writing by a vendor.

YEAR END CUT OFF – the point in time near the end of the fiscal year at which requisitions may no longer be submitted to the Purchasing Department.

APPENDIX

EXHIBIT A	Small Purchase Order Form
EXHIBIT B	Written Price Quote Form
EXHIBIT C	Purchase Requisition Form
EXHIBIT D	Bid Request Form
EXHIBIT E	Request for Proposal Form
EXHIBIT F	Request for Qualifications Form
EXHIBIT G	Change Order Form
EXHIBIT H	Emergency Purchase Request Form
EXHIBIT I	Check Requisition Form
EXHIBIT J	Petty Cash Form
EXHIBIT K	Tax Exemption Certificate Form
EXHIBIT L	Release Order Form
EXHIBIT M	Janitorial Supply Inventory Order Form
EXHIBIT N	Office Supply Inventory Order Form
EXHIBIT O	Travel Request and Report Form
ATTACHMENT I	Community Development/Grants Management Department (CD/GM) CONFLICT OF INTEREST MANAGEMENT PLAN D/GM

EXHIBIT A

DATE (1) ____________________

VENDOR NO. (2)

VENDOR (3)

ADDRESS (4)

CITY(5) STATE (6) ZIP CODE (7)

INVOICE NO. (8) ____________________

MAIL INVOICE TO →

SPO (9)

SMALL PURCHASE ORDER
CITY OF EDINBURG
FINANCE DEPARTMENT
P.O. BOX 1079
EDINBURG, TEXAS 78540

ITEM (10)	QUANT. (11)	DESCRIPTION (12)	UNIT PRICE (13)	DISC. (14)	NET TOTAL (15)
		TAX EXEMPT			
ACCOUNT NO. (16)		DEPARTMENT (17)	TOTAL (18)	NOT TO EXCEED $2,000.00	

Received by (19) ____________________

Dept. Director Approval (20) ____________________

WHITE - VENDOR YELLOW - VENDOR FILE GREEN - ALPHABETICAL

EXHIBIT B

WRITTEN PRICE QUOTATION

VENDOR: ____________	VENDOR: ____________	VENDOR: ____________
PERSON CONTACTED: ____________	PERSON CONTACTED: ____________	PERSON CONTACTED: ____________
AMOUNT QUOTED: ____________	AMOUNT QUOTED: ____________	AMOUNT QUOTED: ____________
PHONE #: ____________	PHONE #: ____________	PHONE #: ____________
TIME/DATE: ______ AM PM ______	TIME/DATE: ______ AM PM ______	TIME/DATE: ______ AM PM ______

REQUESTED BY: ____________________ DATE: ____________________

ITEM	QUANTITY	DESCRIPTION OF GOODS OR SERVICES

UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
GRAND TOTAL		GRAND TOTAL		GRAND TOTAL	

COMMENTS: ____________________

EXHIBIT C

THIS IS NOT AN ORDER

CITY OF EDINBURG - PURCHASE REQUISITION

(SEE REVERSE SIDE FOR PREPARATION INSTRUCTIONS)

ITEM (1)	QUANTITY (2)	UNIT (3)	DESCRIPTION (MAKE, MODEL, SIZE, ETC.) (4)	UNIT PRICE (5)	EXTENSION (6)
				TOTAL (7)	

REQUISITION DATE (8)	DELIVERY DATE (9)	DELIVERY LOCATION (10)

DESCRIPTION OF USE (11)	REMARKS - RECOMMENDATIONS (SUGGESTED VENDORS) (12)

FUND (13)	REQUESTED BY (16)	APPROVED BY (17)
DEPT. (14)		
OBJECT TITLE (15)		

ACCOUNT NUMBER (18)	AMOUNT (19)
TOTAL	

(PURCHASING USE ONLY)

VENDOR:		
CITY:	STATE:	ZIP:
		P.O. NO.

PROCESSED BY:	PURCHASING AGENT

NO. ____________

EXHIBIT D

BID REQUEST FORM

DATE: ______________________________

FUND: ______________________________

DEPARTMENT: ______________________________

OBJECT TITLE: ______________________________

ACCOUNT NUMBER(S): ______________________________

BUDGET BALANCE: ______________________________

INQUIRED BY: ______________________________

DEPARTMENT DIRECTOR APPROVAL: ______________

CONTACT PERSON: ______________________________

TITLE: ______________________________

PHONE: ______________________________

BID NO.: ______________________________

BID TITLE: ____

DESCRIPTION OF GOODS OR SERVICES TO BE PURCHASED:

____

____

____

PUBLISHING DATES (THE MONITOR):

PUBLICATION DATE #1: ______________

PUBLICATION DATE #2: ______________

PRE-BID CONFERENCE (IF ANY):

DATE: ______________

TIME: ______________

BID OPENING:

DATE: ______________

TIME: ______________

FOR FINANCE DEPARTMENT USE ONLY

PURCHASING AGENT APPROVAL: ____________________ DATE: ______________

DIRECTOR OF FINANCE APPROVAL: ____________________ DATE: ______________

Please attach vendor list and completed specifications to this form. Purchasing will mail out the specifications. Do not submit this form if funds are not available.

EXHIBIT E

REQUEST FOR PROPOSAL FORM

DATE: ______________________________

FUND: ______________________________

DEPARTMENT: ______________________________

OBJECT TITLE: ______________________________

ACCOUNT NUMBER(S): ______________________________

BUDGET BALANCE: ______________________________

INQUIRED BY: ______________________________

DEPARTMENT DIRECTOR APPROVAL: ______________

CONTACT PERSON: ______________________________

TITLE: ______________________________

PHONE: ______________________________

RFP NO.: ______________________________

RFP TITLE: ______________________________

DESCRIPTION OF GOODS OR SERVICES TO BE PURCHASED:

____

____

____

PUBLISHING DATES (THE MONITOR):

PUBLICATION DATE #1: ______________

PUBLICATION DATE #2: ______________

PRE-PROPOSAL CONFERENCE (IF ANY):

DATE: ______________

TIME: ______________

RFP OPENING:

DATE: ______________

TIME: ______________

FOR FINANCE DEPARTMENT USE ONLY

PURCHASING AGENT APPROVAL: ______________________ DATE: ______________

DIRECTOR OF FINANCE APPROVAL: ______________________ DATE: ______________

Please attach vendor list and completed specifications to this form. Purchasing will mail out the specifications. Do not submit this form if funds are not available.

EXHIBIT F

REQUEST FOR QUALIFICATIONS FORM

DATE: ______________________

FUND: ______________________

DEPARTMENT: ______________________

OBJECT TITLE: ______________________

ACCOUNT NUMBER(S): ______________________

BUDGET BALANCE: ______________________

INQUIRED BY: ______________________

DEPARTMENT DIRECTOR APPROVAL: ______________________

CONTACT PERSON: ______________________

TITLE: ______________________

PHONE: ______________________

RFQ NO.: ______________________

RFQ TITLE: ______________________

DESCRIPTION OF GOODS OR SERVICES TO BE PURCHASED:

____

____

____

PUBLISHING DATES (THE MONITOR):

PUBLICATION DATE #1: ____________

PUBLICATION DATE #2: ____________

RFQ OPENING:

DATE: ____________

TIME: ____________

FOR FINANCE DEPARTMENT USE ONLY

PURCHASING AGENT APPROVAL: ______________________ DATE: ____________

DIRECTOR OF FINANCE APPROVAL: ______________________ DATE: ____________

Please attach vendor list and completed specifications to this form. Purchasing will mail out the specifications. Do not submit this form if funds are not available.

EXHIBIT G

CITY OF EDINBURG
CHANGE ORDER

Bid No.: ____

Project: ____

____

Change Order No.:_______________________________________

Date: ____

Contractor: Name
Address
City, State, Zip

You are directed to make the following changes to the Contract (include quantities, units, change in completion schedule, etc.) as outlined below:

Description:

____

The Original Contract Sum was	$
Net Changes by Previously Authorized Change Orders	$
The Contract Sum Prior to this Change Order was	$
The Contract Sum will be Increased/Decreased by this Amount	$
The New Contract Sum Including this Change Order	$

The Contract Time will be increased by ________ days

Date of Substantial Completion ________________

Note: Total Change Orders shall not exceed 25% of Purchase Order/Contract Amount.

Agreed to:

____
Contractor Signature

____
Printed Name & Title

____
Company Name

____
Date

Authorized by:

____
Department Director

____
Director of Finance

____
Project Engineer

____
City Manager

EXHIBIT H

EMERGENCY PURCHASE REQUEST

DATE: (1) ______________________________

TO: (2) ______________________________

FROM: (3) ______________________________

EMERGENCY PURCHASE OF: (4)

____

SUMMARY OF EMERGENCY SITUATION: (5)

____

____

____

OPTIONS AVAILABLE: (6)

____

FINANCIAL CONSEQUENCES: (7)

____

____

POSSIBLE MONETARY LOSSES IF PURCHASE IS NOT MADE IMMEDIATELY: (8)

____

____

PRICE QUOTATIONS: (9)

VENDOR NO. 1	VENDOR NO. 2	VENDOR NO. 3
____________	____________	____________
____________	____________	____________

APPROVAL (10)

DEPARTMENT DIRECTOR	DIRECTOR OF FINANCE		CITY MANAGER
DATE	DATE	P.O. #	DATE

Finance will Forward Copy to the City Secretary Immediately After City Manager's Approval (Signature) of Request.

EXHIBIT I

CITY OF EDINBURG
CHECK REQUISITION

SPECIAL INSTRUCTIONS (4)

[☐] MAIL FORM WITH CHECK

(PLEASE PROVIDE COPY TO BE MAILED)

[☐] HOLD CHECK FOR PICK UP

FINANCE APPROVAL ______________

[☐] OTHER ______________

____

VENDOR # ______________

ISSUE TO:(1) ______________ VENDOR

______________ MAILING

______________ ADDRESS (2)

____

______________ FUND (3)

ACCOUNT NO. (5)

INVOICE NO. (6)

TOTAL (7) ______________

EXPLANATION: (8) ______________

____

____

FOR DEPARTMENT USE:

BUDGET BALANCE: (9) ______________

REQUESTED BY: (10) ______________

DEPT. DIRECTOR: (11) ______________ ______________ DATE (12)

FOR FINANCE USE ONLY:

APPROVED BY: (13) ______________
FINANCE DEPARTMENT

OTHER INSTRUCTIONS

[ ] DEPOSIT TO CITY'S BANK ACCOUNT

______________ FUND (14)

ACCT. # ______________ AMT. ______________

ACCT. # ______________ AMT. ______________

ACCT. # ______________ AMT. ______________

TOTAL ______________

EXHIBIT J

PETTY CASH

DATE: ______________

DESCRIPTION OF ITEM/SERVICE PURCHASED	AMOUNT	
CHARGE TO ACCOUNT | | - | | | | - | | | | | - | | TOTAL		

REQUESTED BY: ______________________________

DEPARTMENT DIRECTOR: ______________________________

APPROVED BY: ______________________________

01-339 (Back)
(Rev.7-10/7)

EXHIBIT K

Texas Sales and Use Tax Exemption Certification

This certificate does not require a number to be valid.

Name of purchaser, firm or agency	
Address *(Street & number, P.O. Box or Route number)*	Phone *(Area code and number)*
City, State, ZIP code	

I, the purchaser named above, claim an exemption from payment of sales and use taxes (for the purchase of taxable items described below or on the attached order or invoice) from:

Seller: ____________________

Street address: ____________________ City, State, ZIP code: ____________________

Description of items to be purchased or on the attached order or invoice:

____

____

____

Purchaser claims this exemption for the following reason:

____

____

____

I understand that I will be liable for payment of all state and local sales or use taxes which may become due for failure to comply with the provisions of the Tax Code and/or all applicable law.

I understand that it is a criminal offense to give an exemption certificate to the seller for taxable items that I know, at the time of purchase, will be used in a manner other than that expressed in this certificate, and depending on the amount of tax evaded, the offense may range from a Class C misdemeanor to a felony of the second degree.

sign here ▶ Purchaser	Title	Date

NOTE: This certificate cannot be issued for the purchase, lease, or rental of a motor vehicle.

THIS CERTIFICATE DOES NOT REQUIRE A NUMBER TO BE VALID.

Sales and Use Tax "Exemption Numbers" or "Tax Exempt" Numbers do not exist.

This certificate should be furnished to the supplier. Do not send the completed certificate to the Comptroller of Public Accounts.

EXHIBIT L

CITY OF EDINBURG
RELEASE ORDER

VENDOR # (1) ______________________________

VENDOR (2) ______________________________

P.O. NO. (3) ______________________________

ACCT. NO. (4) ______________________________

UNLIQUIDATED BAL. (5) $ ____________ INVOICE NO. (8) ____________

THIS PAYMENT (6) ____________ INVOICE DATE (9) ____________

CURRENT UNLIQ. BAL. (7) $ ____________

ITEM (10)	QTY. (11)	DESCRIPTION (12)	PRICE (13)
		TOTAL (14)	

I CERTIFY THAT I HAVE RECEIVED THE ITEMS OR SERVICES AS INDICATED ABOVE.

______________________________ ____________________

DEPARTMENT DIRECTOR (15) DATE (16)

WHITE COPY - VENDOR FILE YELLOW COPY - ENCUMBRANCES PINK COPY - DEPT. COPY

EXHIBIT M

CUSTODIAL SERVICES
JANITORIAL SUPPLY INVENTORY ORDER FORM

DEPARTMENT: ______________________ ACCOUNT NO.: ______________________

DIVISION: ______________________ DEPT. APPROVAL: ______________________

ORDER DATE: ______________________ COMPLETION DATE: ______________________

CREDIT ACCT. NO.: ______________________

ITEM NO.	QUANTITY ORDERED	QUANTITY RECEIVED	DESCRIPTION	NET PRICE	TOTAL PRICE

ORDER FILLED BY: ______________________

EXHIBIT N

OFFICE SUPPLY INVENTORY ORDER FORM

DEPARTMENT: ______________________ **ACCOUNT NO.:** ______________________

REQUESTED BY: ______________________ **DATE ORDERED:** ______________________

DEPT. APPROVAL: ______________________ **TOTAL:** ______________________

NO.	QUANTITY		DESCRIPTION	ITEM #	UNIT PRICE	AMOUNT
	ORDERED	RECEIVED				

EXHIBIT O

TRAVEL REQUEST AND REPORT

Section A

1. ____
City Officer or Employee requesting check/Name & Title or Position held

2. Destination: ____

3. Purpose: ____

4. Date(s) and Time of Meeting: ____

5. Travel Time: Going: Date __________ Time Leave __________ Time Arrive __________

Returning: Date __________ Time Leave __________ Time Arrive __________

6. Is this trip budgeted: Yes________No________
If no, substitute for what trip. ______________________________

7. Account number to be charged: ____

8. Trip Advance: Requested by ______________________________ ______________
Name Date

Approved by ______________________________ ______________
Approving Official Date

9. Travel Advance Requested: $ ______________

10. Breakdown:

	A. ADVANCE REQUESTED	B. ACTUAL EXPENSES
Transporation	$	$
Hotel Expense	$	$
Meeting Registration (Not Prepaid)	$	$
Meals	$	$
Other	$	$
TOTAL	$	$
Balance Refundable to the City		$
Balance Due to City Officer or Employee		$

11. Actual Expense Report: Submitted by: ______________________________ ______________
Name Date

Approved by: ______________________________ ______________
Approving Officials Date

Section B (TO BE COMPLETED BY FINANCE DEPARTMENT)

12. Travel Advance: ______________ ______________ $ ______________
Date Issued Check No. Amount

13. Final Payment Made: ______________ ______________ $ ______________
Date Paid Receipt/Check No. Amount

14. Report Audited: ______________ ______________________________
Date By

The form is to be completed in triplicate. The white and pink copies go the Accounting Division, and the yellow copy goes to the department.

ATTACHMENT I

THE CITY OF Edinburg | EDINBURG PRISM

Community Development/Grants Management Department
Conflict of Interest Management Plan

I. Purpose

The general rule is that no employee, agent, consultant, officer, or elected or appointed official of a CDBG Grantee, or of any designated public agencies, or of subrecipients that are receiving funds under this part, who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

II. Applicable Laws & Authorities

2 CFR 200 Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards - Subpart B General Provisions found in Section 200.112, Conflict of Interest and Subpart D Post Federal Award Requirements General Procurement Standards found in 2 CFR 200.318; CDBG Conflict of Interest Provision found in 24 CFR 570.611; Code of Ethics Policy for the City of Edinburg found in City ordinance §30.065.

III. Conflict of Interest Training

Employees, council members, board members, subrecipient officers and any pass-through entity staff, will be required to attend an annual training regarding regulatory Conflict of Interest provisions. The training will be administered by the Community Development/Grants Management Department. All applicable laws and authorities noted in Section II of this document, will be reviewed and explained. This training will provide more insight on all Conflict of Interest provisions that must be maintained and followed by the City. A record of attendance will be kept for each training provided. This record will serve as a certification of attendance for the officials, staff and partnering agencies participating in the training.

The CD/GM Department will not solely rely on the annual training to disseminate this important information. Staff will also incorporate a conflict of interest discussion, followed by the execution of disclosure documentation for both the Community Development Council and Housing Assistance Committee meetings, prior to final action for funding approvals. Additionally, all subrecipients will be required to submit executed conflict of interest disclosure documents when applying for CDBG funds.

IV. Documenting a Conflict of Interest

Full disclosure and transparency are of the highest importance to both the City and the CD/GM Department. As such, the procedures for identifying any potential conflict will include the reviewing and signing of "Conflict of Interest Affidavits" for both procurement and non-procurement undertakings. The affidavits will be presented and reviewed during the annual employee conflict of interest training. The affidavits will also be incorporated into the daily administration of procurement and non-procurement actions, involving any project that may be potentially funded by CDBG. The processes and types of affidavits for these activities are as follows:

a. Documenting Conflicts of Interest for a Procurement Action (Exhibit A)

1. All Bidding and Procurement packets for any CDBG funded project, will include the "Summary of Rules for CDBG Contractors" and the "Affidavit Regarding Conflict of Interest" in the Required Certifications section. A potential vendor or contractor must review, sign and submit both documents with their bid packet, to ensure the understanding of the Conflict of Interest regulations and disclose any possible conflict.

2. All Pre-Bid and Pre-Construction meetings for any CDBG funded project, will include discussion and explanation of the documents listed in Section IV.a.1. to ensure that any potential contractors and vendors understand the Conflict of Interest regulations and disclose any possible conflict.

3. Any executed contract for a CDBG funded project will include, as an exhibit to the contract, the Federal Contract Provisions listing conflict of interest rules and requirements.

b. Documenting Conflicts of Interest for a Non-Procurement Action (Exhibit B)

1. Upon completion of the annual Conflict of Interest training, attendees will receive, acknowledge and sign the "Conflict of Interest" form. In addition to that form, City of Edinburg staff will also receive the "Outside Employment Agreement" to review and execute.

2. Staff will ensure that the "Conflict of Interest" form is provided during the Community Development Council and Housing Assistance Committee meetings. Staff will also include the affidavit in the application packets for any subrecipient submitting a request for CDBG funding.

3. Individuals applying for assistance through the Housing Rehabilitation/Reconstruction Program will be provided a "Conflict of Interest Affidavit". This affidavit requires that the applicant(s) disclose any relationship, familial or in any other capacity, with any city official or staff member.

V. Disclosure Process

When a Conflict of Interest is disclosed in any manner as noted in Section IV of this document, staff will address the potential conflict by reviewing and evaluating the disclosure affidavit. CD/GM staff will ensure that all pertinent information has been obtained including names of all parties with a possible or perceived conflict, contact information and details of the nature of the conflict. Once all information is gathered, staff will discuss possible action to undertake. Depending on the nature of the conflict, staff may conclude that the conflict is a direct violation of federal regulations. If staff is unable to reach a determination, other actions may be taken in an effort to resolve the conflicts such as requesting an exception from HUD.

VI. Requesting an Exception

In compliance with 24 CFR Part 570.611(d), staff may request an exception to the potential conflict of interest. The US Department of Housing and Urban Development (HUD) may grant exceptions to potential conflicts of interest, on a case-by-case basis. Before requesting this exception however, staff must meet specific "threshold requirements" as noted in §570.611(d)(1)(i) and (ii) and taking into account the cumulative effects of §570.611(d)(2).

VII. Management and Implementation of the Plan

CD/GM staff will implement this management plan by conducting an annual conflict of interest training for City officials, staff and partners. A record of all attendees will be kept and a Certificate of Completion will be provided to participants. In addition to this annual training, potential CDBG vendors and contractors, as well as families applying for assistance through the program, will be provided with conflict of interest information. Once a thorough explanation of conflict of interest program requirements has been completed, signed disclosure affidavits, meeting sign-in sheets and meeting agendas will be kept as part of the project files.

In an effort to comply with federal regulations, the CD/GM staff will monitor and ensure that all actions set forth in this Plan are implemented.

Exhibit A
to Conflict of Interest Management Plan

Procurement Action Documentation

CONFLICT OF INTEREST

SUMMARY OF RULES FOR CDBG CONTRACTORS

I. Introduction

Prospective CDBG contractors should carefully consider whether any of their activities may give rise to an improper conflict of interest situation. Conflict of interest situations that are not properly addressed can result in a loss of CDBG funding to the program and/or to the City, and in some cases can result in civil or criminal liability.

Organizations that are requesting CDBG funding should ask themselves the following questions:

* Are any of my employees or board members,
  - a City employee or consultant who exercises CDBG-related functions as part of their City position?
  - a member of the Community Development Board that will participate in the City's CDBG selection process?
  - a City Official?

* Are any immediate family members or business associates of my employees or board members,
  - a City employee or consultant who exercises CDBG-related functions as part of their City position?
  - a member of the Community Development Board will participate in the City's CDBG selection process?
  - a City Official?

* Will any of my employees or board members receive a financial interest or benefit from CDBG funds (other than employee salaries or personnel benefits)? Will any immediate family members or business associates of my employees or board members receive a financial interest or benefit from CDBG funds (other than employee salaries or personnel benefits)?

* To my knowledge, will my program or project have a financial effect on a City official or employee who exercises CDBG-related functions, or an immediate family member or business associate of such person? For example, will any of these persons be receiving rental payments, other business income, or program services from my program?

If you can answer "yes" to any of these questions, it is possible that there may be a conflict of interest. You should review the rules below to determine whether an actual conflict situation is raised, and, if so, what action needs to be taken to avoid a violation of the law. You should contact City staff immediately if you suspect that there might be an issue.

Any contractor entering into an agreement with the City in which CDBG funding will be utilized, will be required to warrant and represent, to the best of his/her knowledge at the time the contract is executed, he/she is not aware of any improper conflict of interest as described below. Also, the contract will obligate contractors to exercise due diligence to ensure that no improper conflict situations occur during the contract.

The following Federal and State Conflict of Interest Laws govern activities funded with CDBG funds:

* HUD conflict of interest regulations (24 CFR Part 570.611 and 24 CFR Part 85.36)
* Texas Local Government Code Chapter 171.004
* City of Edinburg Policies & Procurement Manual – General Ethical Standards

II. City Officials, Their Family or Business Partners Benefiting from CDBG Projects.

HUD rule. The HUD conflict of interest rule prohibits any "covered person" associated with the City (as defined below) from obtaining a financial interest or benefit from a CDBG assisted activity or contract, or the proceeds under any such contract, during that covered person's tenure with the City and for one year thereafter. A "covered person" is defined by HUD as any employee, agent, consultant, officer, or elected or appointed official of the City who, with respect to CDBG- funded activities under the contract: (a) exercises or has exercised any functions or responsibilities; or, (b) is in a position to participate in a decision-making process; or, (c) is in a position to gain inside information. City staff members or consultants who exercise the above roles or function with respect to the CDBG activity are considered "covered persons." For purposes of the CDBG program, a "covered person" specifically includes any member of the Edinburg City Council, or any director of any Board associated with reviewing and making recommendations on the funding for the contract, whether or not that Councilmember or director actually participated in the review or recommendation. "Covered person" may also include members of other City boards and commissions, if that board or commission has exercised functions or decision-making with respect to the CDBG activity. The HUD rule further prohibits anyone with "family or business ties" to the covered public official from receiving a financial interest or benefit.

State law. State law requires a local public official with substantial interest in a business entity or in real property, to file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature of and extent of the interest. The state law requires that any public official of the City, should publicly recuse him/herself from participating in any discussions relating to the CDBG grant-making process. Failure of the person to recuse him/herself ***before*** the discussions begin may disqualify the organization's application for funds.

III. Interests of persons associated with the contractor.

The HUD rule also addresses financial interests that are held by certain persons associated with a CDBG contractor. The HUD rule prohibits any "covered person" associated with the contractor from obtaining a financial interest or benefit (with the exception of the use of CDBG funds to pay salaries and other related administrative and personnel costs) from a CDBG assisted activity or contract, or the proceeds under any such contract, during that covered person's tenure with the contractor and for one year thereafter. A "covered person" is defined by HUD as any employee, agent, consultant, officer, or elected or appointed official of the contractor who, with respect to CDBG-funded activities under the contract: (a) exercises or has exercised any functions or responsibilities; or, (b) is in a position to participate in a decision-making process; or, (c) is in a position to gain inside information. This rule extends to those with whom the covered person has "family or business ties" (as defined above). This rule would, for example, prohibit certain employees or directors of a CDBG contractor from using CDBG funds to pay for rent on property owned by that employee or director, as well as family and business associates of that person.

IV. Remedies and Sanctions.

The CDBG grant contract provides that if a CDBG contractor fails to make a good faith effort to avoid an improper conflict of interest situation or is responsible for the improper conflict situation, the City may (1) suspend CDBG payments, (2) terminate the contract, (3) require reimbursement by the contractor to the City or to HUD of any amounts already disbursed, and/or (4) bar future CDBG funding of the contractor by the City. In addition, the City may suspend payments or terminate the contract in the event HUD suspends or terminates its grant to the City for conflict of interest reasons, or in the event the City reasonably determines that an improper conflict of interest situation may arise from payments under the contract. This could happen whether or not the contractor is responsible for the conflict of interest situation.

Certification:

I, the undersigned, acknowledge and certify that I have read and understand the summary of Rules for CDBG Contractors.

Date: ____________________

Company/Vendor Name: ____________________

Printed Name and Title: ____________________

Authorized Signatory: ____________________

THE CITY OF Edinburg | EDINBURG PRISM

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
AFFIDAVIT REGARDING CONFLICT OF INTEREST

Acknowledgement:

I, the undersigned, certify that I have read and understand the conflict of interest regulations by the US Department of Housing and Urban Development, Community Development Block Grant Program, including 24 CFR Part 570.611:

> *24 CFR Part 570.611 (b) Conflicts prohibit.* No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with CDBG funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

> *24 CFR Part 570.611 (c) Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official to the recipient, or of any designated public agencies, or of subrecipients that are receiving CDBG funds.

Certification:

I, the undersigned, certify and report that to the best of my knowledge,

- ☐ I have no conflict of interest to disclose
- ☐ I have the following conflict of interest to disclose:

____

____

____

Date:	Company/Vendor Name:
____________________	____________________
Printed Name and Title:	Authorized Signatory:
____________________	____________________

Exhibit B
to Conflict of Interest Management Plan

Non-Procurement Action Documentation

CONFLICT OF INTEREST

No employee, officer or agent of the City of Edinburg, sub-grantee or subrecipient shall participate in selection or in the award or administration of contract or conduct business with a vendor if a conflict of interest, real or apparent would be involved.

A. the employee, officer or any agent
B. a member of his/her immediate family
C. his or her partner
D. an organization which employs or is about to employ, any of the above, has financial or other interest in the firm selected for award.

The City of Edinburg's, sub-grantee or subrecipient, officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, vendors or potential vendors. Depending on gravity, violation of this Conflict of Interest could result in dismissal, probation or suspension of officers, employees or agents involved or termination of contractual agreements with subrecipients.

Non-disclosure Policy No disclosure of verbal or written price quotations shall be made by any City of Edinburg employee, sub-grantee or subrecipient. Violation of the nondisclosure policy shall be subject to disciplinary action as provided by the City of Edinburg or termination of contractual agreements when a subrecipient/sub-grantee employee is involved.

Personal Interest No member of the City of Edinburg City Council or any officer or employee of the City of Edinburg, sub-grantee or subrecipient shall have a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the City of Edinburg, sub-grantee or subrecipient or to a contractor supplying the City of Edinburg, sub-grantee or subrecipient of any land or rights or interest in any land, material, supplies, or services, or in any matter in which he acts for the City of Edinburg. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City of Edinburg, sub-grantee or subrecipient found guilty shall thereby forfeit his or her office. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the City of Edinburg, sub-grantee or subrecipient shall render the contract void by the Community Development/Grants Management Director or the City Council Member.

Certification:

I, the undersigned, certify and report that to the best of my knowledge,

☐ I have no conflict of interest to disclose

☐ I have the following conflict of interest to disclose:

____

____

____

Employee, Subrecipient or Agent Acknowledgment	Print or type Name and Position/Title
Entity/Organization Name	Date

THE CITY OF Edinburg | EDINBURG PRISM

OUTSIDE EMPLOYMENT AGREEMENT

In accordance with the Administrative Code, Section §30.051, Outside Employment, I understand that this written agreement between me and the City of Edinburg, shall be completed and signed by me (the employee), and approved by my supervisor and shall be held on file in my personnel file. I further understand that if my outside employment status shall be changed, or I cease such outside employment, or later renew outside employment, that I shall notify my supervisor and complete another written agreement form.

I am aware of the Administrative Code, Section §30.051, as follows:

(A) City of Edinburg employees may engage in outside employment provided it does not interfere with their primary job with the City. ***Employees must notify their Department Director***. Department Directors must notify the City Manager prior to engaging in outside employment.

(B) Employees may not accept outside employment that conflicts with the effective performance of the employee while on duty with the City of Edinburg, or conflict in any way with the best interests of the City. Other outside activities that might similarly distract from an employee's ability to perform his/her job with the City are also discouraged.

(C) An employee will not be covered by the City's workers' compensation insurance while working for another employer unless the employee is required to perform official City employment activities while engaged in such outside employment.

(D) For purposes of this policy, outside employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City of Edinburg. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith based activities, or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

I request approval to pursue the following outside employment:

Type of work: ______________________ Location: ______________________

No. of hours: _____________ (per week) _____________ (per month)

I understand that I am not entitled to any form of leave, or other benefits (including Workers' Compensation) due to any condition related to another job (outside employment).

______________________ ______________________
Print or Type Name | Employee's Signature

______________________ ______________
Department/Division Name | Date

APPROVED BY: ______________________ ______________
Department Director | Date

Conflict of Interest Affidavit

Please review the list below and disclose if you are related by blood, marriage or in any other capacity to any individual listed.

City of Edinburg City Council

- ☐ Mayor Richard R. Molina
- ☐ Councilmember Gilbert Enriquez
- ☐ Councilmember Jorge Luis Salinas
- ☐ Mayor Pro-Tem David Torres
- ☐ Councilmember Homer Jasso, Jr.
- ☐ City Manager, Juan G. Guerra

Housing Assistance Committee

- ☐ Israel Silva, Chairman
- ☐ Martin Briseño
- ☐ Marco A. Garza
- ☐ Richard Peralez, Vice-Chairman
- ☐ Fidel del Barrio

CD/GM or other City staff

- ☐ Marissa, Garza, Director
- ☐ Dalia L. Villarreal, Administrative Asst.
- ☐ Michelle L. Mendoza, Compliance Mngr.
- ☐ Veronica Guerrero, Housing Coordinator
- ☐ Claudia L. Farias, Grant Writer
- ☐ Other City Staff________________

Former Council, Committee or Staff (up to 12 months after their tenure has ceased)

- ☐ Ruben Garcia, Housing Assistance Committee (tenure end date 2/19/2019)
- ☐

Please check the appropriate box below. If you are related to any of the persons listed above, please state how the individual is related to you, if he /she is providing you with any assistance, and if he/she has any interest in your property.

☐ ***I am not*** related to any of the listed elected officials or staff members by blood, marriage or in any other capacity.

☐ ***I am*** related to one of the elected official or staff members of the City of Edinburg by blood, marriage or as so designated herein, ____

____

______________________________   ______________________________

Print Name   Date   Signature   Date

STATE OF TEXAS
COUNTY OF HIDALGO

______________________________, personally appeared before me and declared that he/she signed this affidavit in the capacity designated, if any, and further states that he/she has read the above document and the statements therein contained are true.

Subscribed and sworn before me on this the ___ day of ____________, 20__

____

Notary Public in and for the State of Texas

Document Updated September 10, 2019

SECTION VIII - PROCUREMENT CARD POLICIES AND PROCEDURES

INTRODUCTION

Welcome to the City of Edinburg's Procurement Card Program. This program is designed to reduce the flow of paperwork and at the same time provide better controls on all low-dollar purchases (purchases less than $2, 0000.00) made at the department level. The Procurement Card can and may be utilized for larger purchases if approved by the City Manager.

The City of Edinburg departments shall provide an opportunity for competitive bidding, on request(s) for written bids, proposals, and/or price quotations when the anticipated expense is expected to exceed $2,000.01. Informal bids, proposals, and/or price quotations may be delivered electronically, by e-mail, fax, phone, by person, and/or courier. Formal price quotes must be listed in the comments area of the written quotation form. In a case of "emergency" the requirement for solicitation for bid(s), proposal(s), and/or request for formal price quotation(s) may be waived by the City Manager and must be documented in accordance with the City's Purchasing Policies and Procedures (i.e., Insurance Requirements, Federal Funding Requirements, etc.).

The success of the Procurement Card Program and its continuing use depends on the participation and cooperation of all City employees that will be issued Procurement Cards. The primary responsibility for ensuring compliance with these Policies and Procedures belongs to the Department Directors. Department Directors shall ensure that Assistant Department Director, Supervisors, Liaisons, and Cardholders are in strict compliance with these Policies and Procedures.

GENERAL INFORMATION

The Procurement Card is a credit tool that is issued by a bank. This credit tool offers an extremely efficient and effective method of purchasing and paying for small dollar items with a not to exceed total value of $2,000.00 per transaction.

In the rare instance that a vendor is not set-up to accept credit-cards, the department has the option of utilizing a small purchase order (SPO).

The Procurement Card shall enable employees of the City of Edinburg to purchase non-restrictive commodities, by telephone, on the Internet, or in person, direct from the vendors. The Procurement Cards shall be issued in the employee's name and the City of Edinburg's name shall be clearly indicated on each card.

All purchases made with the Procurement Card shall be paid by the bank that the City of Edinburg contracts with for the Procurement Card Service. The Bank on contract will then bill the City of Edinburg.

PROCUREMENT CARD PROGRAM DESIGNEE(S)

The City of Edinburg's Procurement Card Program shall be utilized and/or administered by City employees in one of the following designations:

DEPARTMENT DIRECTOR

Shall select responsible and trustworthy individuals to participate in the P-Card Program. Department Director shall select Assistant Department Director, Supervisor(s), Department Liaison(s), and Cardholder(s) to participate in the P-Card Program. In the absence of the Department Director, he/she may authorize his/her designee(s) to approve P-Card transactions online and on paper. Under normal circumstances, the Department Director shall approve all P-Card transactions on the P-Card Form. Department Director shall ensure that all transactions are supported with proper documentation and that this documentation reaches the Finance Department (Procurement Card Coordinator) in an organized and timely manner. Department Director shall be responsible to provide sufficient internal department controls with separation of duties to guard against misappropriation of products and/or services. Periodic reporting shall be reviewed monthly, quarterly, semi-annually, and annually for auditing, planning, and efficiency purposes.

DEPARTMENT LIAISON

Each Department Director shall assign one (1) or more Department Liaison. (Liaison(s) cannot be cardholder(s). Liaison shall be responsible for administering the Procurement Card Program at the department level. Liaison shall keep all documentation for the Procurement Card activities within their department. Liaison shall reconcile weekly statements between the Cardholder and the Finance Department and shall assign account numbers to each transaction on a P-Card Form (Appendix E). Liaison shall be completely knowledgeable of the procurement card policies and procedures and shall serve to assist the Procurement Card Coordinator in policing the program. Liaisons shall assist with transmitting information to the Procurement Card Holders regarding Procurement Card changes and/or updates. Liaisons, with Department Director approval, are responsible to request credit limit increases/decreases, access to account numbers, report lost cards and make new card requests to the Procurement Card Coordinator. Each Department Liaison shall be responsible to approve all Cardholder's transaction activity. If questions or problems should arise about the program, the Department Liaison(s) shall be the first person that Cardholders shall contact. The Department Liaison shall then answer the question(s), correct the problem or, if necessary, refer the question or potential problem to the Procurement Card Coordinator (Finance Department).

CARDHOLDER

Cardholders shall be selected by their respective Department Director. City employees selected to participate as a "Cardholder" shall utilize the Procurement Card as a primary resource for daily purchases of authorized goods and services in strict compliance with the City of Edinburg's Purchasing Policies and Procedures Manual. The Cardholder is responsible for resolving disputes and issues associated with his/her P-card transactions. The Cardholder is responsible to review periodic reporting for efficiency purposes.

PROCUREMENT CARD COORDINATOR (FINANCE DEPARTMENT)

The Finance Department shall designate one (1) or more persons as Procurement Card Coordinator. The Procurement Card Coordinator – Finance shall be the first point of contact for the Department Liaisons in respect to reconciliation, verification of purchase activities, and/or correct any potential problems in respect to account numbers, hierarchy of department account structure, disputes, etc. The Procurement Card Coordinator - Finance shall be completely knowledgeable in every aspect of the program and as such shall be responsible for the proper training of all Department Liaisons and Cardholders in understanding and utilizing the reports, statements, reconciliations, etc.

SEGREGATION OF DUTIES

To ensure proper internal controls, each department must maintain a separation of duties for the electronic review and approval of all transactions in the P-card program. Liaisons, Department Directors and Procurement Card Coordinator must approve transactions in the Bank's Procurement Card program software. Under no circumstances should the same individual be the reviewer and the approver.

RENEWAL OF EXISTING PROCUREMENT CARD

Renewed procurement cards are automatically sent to the Finance Department thirty (30) days prior to the expiration date. The Finance Department shall notify individuals when cards are available to be picked up.

ISSUANCE OF PROCUREMENT CARDS

Cards will be issued in the name of the individual employee and the City of Edinburg. Any Department may request a Procurement Card be issued to a full-time regular employee (who has successfully passed his/her probationary period) who has been selected by the Department Director to perform the duties of procuring goods and/or services for that department in strict compliance with the existing Purchasing Policies and Procedures Manual. We caution all Department Directors in their selection of responsible personnel for this program.

Criteria to receive a Procurement Card shall be as follows:

1) Applicant must be a full-time employee of the City of Edinburg, with no less than six (6) months of employment (Under special circumstances this requirement may be waived by the City Manager and/or Assistant City Manager, or their designated representative(s)).
2) Applicant's request for a Procurement Card must be approved by his/her Department Director. Request for Procurement Card shall be submitted in writing via the application process. (Appendix B)
3) Applicant must be assigned to a department liaison selected by his/her Department Director.
4) Employee must read the Purchasing Policies and Procedures Manual.
5) Each individual cardholder must sign a Cardholder Agreement (Appendix A) in the presence of the Department Director, Assistant Department Director/Supervisor or Procurement Card Coordinator – Finance Department.

DEPARTMENT DIRECTOR RESPONSIBILITIES

1) Ensure that the Cardholder(s) and Department Liaison(s) comply with the Procurement Card Policies and Procedures as outlined in the Purchasing Policies and Procedures Manual.
2) Responsible to give the City of Edinburg assurances that the Cardholder(s) and Department Liaison(s) are in strict compliance with these Policies and Procedures.
3) Responsible for reviewing/approving transaction activity in hard-copy form, ensuring proper support documentation is maintained and turned in to the Finance Department in an organized and timely manner.
4) Responsible to be thoroughly familiar with the program guidelines.
5) Responsible for taking disciplinary action when necessary (action form – Appendix D). A copy of the action form shall be submitted to the City Manager and/or Assistant City Manager, as required.
6) Responsible for obtaining the Procurement Card from cardholder upon termination of employment (resignation or termination) and returning the card to the Finance Department.
7) Responsible for obtaining the Procurement Card from cardholder upon transfer to other City of Edinburg department, and returning the card to the Finance Department.
8) Responsible to review periodic reporting: monthly, quarterly, semi-annually, and annually for auditing, planning, and efficiency purposes (i.e., recommend item(s) or services for a supply or service contract).

ASSISTANT DEPARTMENT DIRECTOR/SUPERVISOR RESPONSIBILITIES

1) Ensure that the Cardholder(s) and Department Liaison(s) comply with the Procurement Card Policies and Procedures as outlined in the Purchasing Policies and Procedures Manual.
2) Responsible to be thoroughly familiar with the program guidelines.
3) Responsible for reviewing transaction activity and support documentation.
4) In the absence of the Department Director, is responsible for reviewing/approving transaction in hard-copy form, ensuring proper support documentation is maintained and turned in to the Finance Department in an organized and timely manner.

CARDHOLDER RESPONSIBILITIES

1) Responsible to ensure that products and/or services are procured in strict compliance with the Purchasing Policies and Procedures Manual.
2) Ensure the Procurement Card is used for legitimate City business purposes.

3) Ensure that Insurance Requirements are met before services are rendered.
4) Responsible to ensure that products and/or services being procured have been delivered and are accounted for.
5) Always Maintain the Procurement Card in a secure location.
6) Must not allow other individuals to use their Procurement Card.
7) Must use the Procurement Card within its purchase limits and restrictions.
8) Receive and inspect all ordered materials and/or services for discrepancies.
9) Must match receipts to transaction.
10) Submit reconciled weekly report to Department Liaison along with receipts, in an organized manner. If receipts are not submitted, justification memo must accompany weekly report.
11) Informal price quotes must be listed in the comments area of the verbal and/or written quotation form.
12) Must never accept cash, gift cards, or gift certificates in lieu of credit to the Procurement Card.
13) Ensure that Sales Taxes are not charged (cardholder is responsible for obtaining City reimbursement of sales tax)
14) Immediately notify Department Liaison and bank institution of a lost or stolen Procurement Card.
15) Attempt to resolve disputes or billing errors, if any, with the vendor. The Finance Department must be notified of all disputes. All documentation concerning the disputed items will be turned in to the Finance Department as soon as possible. Finance will follow dispute procedures.
16) Report any erroneous transactions to the Department Liaison.
17) Report/notify fraudulent activity to Finance Department.
18) Report lost or stolen cards to the Finance Department and Bank on record.
19) Must return Procurement Card to Department Liaison upon transfer to another department.
20) Must return Procurement Card to the Finance Department upon resignation/termination of employment.
21) Must request a "new card" and turn-in "existing" Procurement Card if legal name changes. (i.e.: marriage, divorce, etc.).
22) For each transaction made, indicate the account number on the P-Card Form that will be used to pay for the purchase.

23) Save all sale receipts.

24) If for some reason the cardholder does not have documentation of the transaction to send with the statement, the cardholder must try to obtain a copy and if this is not possible, details of the purchase must be attached via memorandum (with Department Director signature). The detail will include a description of each item, the number of items purchased, the unit cost, the date of purchase, the vendor name and why there is no supporting documentation. Continued incidents of missing documentation may result in disciplinary action.

25) The Cardholder is responsible for obtaining a credit memo from a supplier, when the merchandise that was purchased with the City P-Card is returned to the supplier. The credited amount will be applied to the cardholder's account. Cash refunds are prohibited.

DEPARTMENT LIAISON RESPONSIBILITIES:

1) Coordinate meeting with cardholders within the department for reconciling receipts against weekly reports.
2) Responsible for verifying and/or changing accounting numbers for all transactions, when necessary, on the weekly Department reports prior to the cut-off date established by the Procurement Card Coordinator (Finance)
3) Must notify Procurement Card Coordinator (Finance Department) of any purchase violations, lost or stolen cards.
4) Must advise Procurement Card Coordinator (Finance Department) to cancel a Cardholder's card (i.e., department transfer, loss of Procurement Card privileges due to misuse/violations, etc.) with the approval of the Department Director.
5) Responsible for collecting and turning in "canceled procurement cards" to the Procurement Card Coordinator (Finance Department).
6) Shall resolve any disputes not resolved by Cardholder.
7) Advise the Procurement Card Coordinator (Finance – Accounts Payable) of any unresolved disputes, noting the reason(s) for dispute(s).

PROCUREMENT CARD COORDINATOR (FINANCE) RESPONSIBILITIES:

1) Responsible for the training of all Department Liaisons in the proper way of reconciling and properly coding all transactions against weekly reports.
2) Understanding the electronic media that the City will use to communicate with the Bank on contract. Be familiar with all report formats to be used with the program.
3) Responsible for reconciling weekly transactions totals to Bank statement.

4) Responsible for advising Liaisons of cut-off date for approvals and/or changes to default account number changes.
5) Responsible for processing upload of transactions and/or bill to the accounting software (GEMS).
6) Notify the department when approved monthly department statements are not received.
7) Responsible for preparing bill for payment to the Bank on contract.
8) Responsible for reconciling the hard copy of the bank's bill against the bank's electronic file and to the transaction totals posted to the City's Financial Management system.
9) Responsible for establishing hierarchy of department account number structure.
10) Keep all necessary documentation in respect to all transactions for audits by the internal and external auditors.
11) Responsible for Policy interpretations and/or clarifications.
12) Review Procurement Card applications turned in by the Departments for completeness of required information.
13) Approve application(s), request new, renewal, or replacement Procurement Card(s), and disburse upon receipt.
14) Responsible for training, as to the proper use of the Procurement Card, Department Liaisons before releasing Procurement Cards.
15) Responsible for having all Cardholders sign the Cardholder Agreement(s) signifying agreement with the terms of the Procurement Card Program.
16) Responsible for securing all canceled Procurement Cards and advising Bank (electronically).
17) Responsible for updating Procurement Card system, assigning access and removing users as necessary.

PROHIBITED USES OF PROCUREMENT CARD

Resulting in Disciplinary Action (only City Manager can waive any of these prohibited uses).

1) The Procurement Card is used for personal or unauthorized purposes.
2) The Procurement Card is used to purchase alcoholic beverages or any substance, material, or service which violates the City's Purchasing Policies & Procedures, ordinances or regulations pertaining to the City of Edinburg.
3) The Cardholder receives cash, gift cards, or certificates in lieu of credit.

4) The Cardholder purchases gift cards without proper written approval unless approved, in writing, by the City Manager and/or Assistant City Manager.

5) The Cardholder purchases gifts for employee annual events, promotional events, and/or Retirement parties, luncheons, or dinner.

6) The Cardholder allows the card to be used by another individual for valid purchases.

7) The Cardholder splits a purchase to circumvent the card limits.

8) The Cardholder uses another Cardholder's card to circumvent the authorized purchase limits assigned to either the Cardholder or the limitations of the Card.

9) The Cardholder fails to ensure the receipt of products and/or services procured with their card.

10) The Cardholder refuses and/or fails to provide Department Liaison with required receipts.

11) The Cardholder refuses and/or fails to provide information about any specific purchase.

12) The Cardholder does not adhere to all the Procurement Card Program Policies and Procedures.

13) The Cardholder may not pay for meals for vendors, contractors, suppliers, business clients, instructors, etc. The P-card shall not be used for business meals. If the card is used for meals, must write on receipt who was present and purpose of the meal.

14) The purchase of computer software, hardware, peripherals, and/or accessories. The IT Department is the only department that is authorized to purchase computer software, hardware, peripherals, and/or accessories by use of the procurement card. All other departments are prohibited from purchasing these items with their procurement card. Departments may request the purchase of these items through the IT Department.

15) The purchase of products and/or services currently under contract, unless specifically approved and/or instructed by the Finance Director.

16) The purchase of small hand-held tools, automotive tools, and/or parts (ALL NON-CAPITALIZED – CAPITAL OUTLAY must be budgeted items).

17) Sponsorship(s)/donation(s) are prohibited.

DISCIPLINARY ACTION

The City of Edinburg has "ZERO TOLERANCE" to the improper use of the Procurement Card. Severe disciplinary action leading to termination of employment may be taken by the City when the Cardholder knowingly, willingly and intentionally misuses and/or abuses the use of a City of Edinburg Procurement Card.

A less than severe disciplinary action leading to verbal reprimand, written reprimand, or suspension without pay, may be taken by the City when the Cardholder uses a Procurement Card for purchases that are not in line with the City of Edinburg's Procurement Card Program Policies and Procedures.

The procurement card represents the City's trust in the employee and his/her empowerment as a responsible employee of the City of Edinburg to safeguard and protect its assets. As a cardholder, each employee assumes the responsibility for the protection and proper use of the procurement card including timely reconciliation and documentation of all transactions. Cardholders suspected of fraud, theft, or misuse will have their P-Card suspended or cancelled and appropriate disciplinary actions may be taken against the employee in accordance with City policies and procedures.

P-CARD SAFEGUARDING PRACTICES

IT IS THE CARDHOLDER(S) RESPONSIBILITY TO SAFEGUARD THE P-CARD.

Tips to Safeguarding the P-Card:

- Keep a record of your account number, expiration date and phone number to report fraud in a secure place.
- Do not allow anyone to use the card on your behalf.
- Do not give your account number to anyone over the phone unless you've confirmed they are a reliable source. If you've never done business before with an entity, conduct an on-line research prior to making a transaction.
- During a transaction, keep your eye on the card and ensure you get it back before you walk away.
- Keep the P-card in a safe place and only carry it with you when you need it.
- Draw a line through any blank spaces on the receipt.
- Reconcile all receipts.

GLOSSARY

LIASON – Employee responsible for administering the Procurement Card Program at the department level.

CARDHOLDER – Employee that will utilize the Procurement Card as a primary resource for daily purchases of authorized good and services in strict compliance with the City of Edinburg's Purchasing and Procurement Card Manuals.

PROCUREMENT CARD COORDINATOR (FINANCE DEPARTMENT) – Point of contact for the Department Liaisons in respect to reconciliation, verification of purchase activities, and/or correct any potential problems.

APPENDIX

EXHIBIT A	Procurement Card Employee Agreement
EXHIBIT B	Application Form for a Procurement Card
EXHIBIT C	Procurement Card – Department Liaison Agreement
EXHIBIT D	Procurement Card Purchase Form

PROCUREMENT CARDHOLDER EMPLOYEE AGREEMENT (EXHIBIT "A")
(PLEASE TYPE OR PRINT CLEARLY)

The City of Edinburg is allowing you the privilege of being presented with a Procurement Card. This privilege represents trust in you as a responsible agent of the City capable of protecting the City's assets.

I, (type name) ___________________, Employee #________on this the ___day of ____, 20__, as a cardholder, agree to comply with the terms and conditions of this Agreement and the Procurement Card Policies and Procedures Manual. I understand that the Procurement Card limit per transaction shall be $750.00 or less. I also understand that I am not to split any transaction (s) in an attempt to circumvent the single transaction limit. I also understand that all transactions with a potential of exceeding $2,000.00 must be submitted to the Purchasing Department on a Purchase Requisition.

I acknowledge that I have received orientation in respect to the Procurement Card Policies and Procedures.

I acknowledge that I have received training in the proper use of the Procurement Card.

I acknowledge that the Procurement Card will not affect my personal credit rating.

I acknowledge that the City of Edinburg may terminate my right to use this card at any time for any reason.

I further acknowledge that I understand that improper use of this card may result in disciplinary action, up to and including termination of employment. Should I fail to use this card properly, I authorize the City of Edinburg to deduct from my salary an amount equal to the total of the discrepancy. I also allow the City of Edinburg to collect any amounts owed by me even if the City of Edinburg no longer employs me.

I agree to return the card to the City of Edinburg immediately upon request or upon termination of employment.

I acknowledge receipt of said Agreement and confirm, by my original signature below, that I am in full understanding of all requirements, term and conditions, in respect to the Procurement Card Program.

Cardholder:
Signature: ______________________________
Type Name: ______________________________
Card number (last four (4) digits): __________
Department: ______________________________

Procurement Card Coordinator:
Signature: ______________________________
Name: ______________________________
Date: ______________________________

APPLICATION FORM FOR A PROCUREMENT CARD (Exhibit "B")

THIS FORM REQUIRES A SIGNATURE BY A RESPECTIVE DEPARTMENT HEAD. THIS APPLICATION FORM MUST BE PROPERLY FILLED OUT TO ITS ENTIRETY. EACH APPLICATION FORM SHOULD REFLECT ONLY (1) ONE EMPLOYEE PER FORM (SELECTED BY THE DEPARTMENT HEAD). INCOMPLETE FORMS OR FORMS SUBMITTED WITHOUT DEPARTMENT HEAD SIGNATURE WILL BE **VOIDED AND SHALL BE DISCARDED**. SELECTED EMPLOYEE MUST BE A FULLTIME REGULAR EMPLOYEE (EMPLOYED FOR AT LEAST 6 MONTHS). (ALL FORMS ARE TO BE SUBMITTED ELECTRONICALLY).

DATE: ______________________

Name of Employee designated as Department Cardholder: ______________________

Employee #:______________ Employee's Position/Title: ______________________

Department/Division: ______________________

Employee's length of employment months/years: ________ Phone #:______________

Employee Signature: ______________________ Date:______________

Monthly
P-Card Limit: ___$7,000 ___$10,000 ___$15,000

Specify Other
Amount $______________

Department Submitting Request: ______________________

Department Telephone Number: ______________________ Ext.______________

Name of Department Head submitting application: ______________________

Department Head's signature: ______________ Date: ______________

Finance Department Use Only

Date Received: ______________ Entered Card Request: ______________

Card Number Assigned: (last 4 digits) ______________________

Hierarchy Assigned: ______________________

Date Card Received: ______________ Processed By: ______________

Cardholder Signature: ______________________ **Date card P/U:** ______________

PROCUREMENT CARD PROGRAM DEPARTMENT LIAISONS AGREEMENT FORM
(Exhibit "C")

I, ______________________________, Employee # __________ on this the __________day of ______, 20______, as a Department Liaison, acknowledge that I have received orientation and instructions in respect to the Purchasing Policies and Procedures as they relate to small purchases and the Procurement Card Policies and Procedures.

I acknowledge that I have received instructions as to how I am expected to carry out my duties and responsibilities as a Department Liaison.

I acknowledge that I have been provided with a copy of the Procurement Card Policies and Procedures Manual.

Liaison:______________________________

Signature: __________________________

Type Name: __________________________

Department: __________________________

Procurement Card Coordinator:

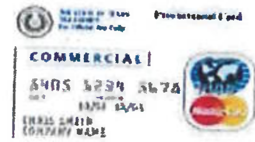
Signature: __________________________

Name: ______________________________

Date:_______________________________

EXHIBIT D

THE CITY OF Edinburg



Procurement Card Purchase

Department: ____________________

Date of Purchase: ________________

Vendor Name: __________________________

Item Description: ________________________________

Purchase Amount: ____________

G/L Account No: ______________________

Print Employee Name: _______________________

Employee Signature: ______________________________

Department Head Signature: _________________________

(Attach original receipt)
Please make sure <u>no sales tax</u> is charged to purchase.
Return this form with receipt to your department liaison as soon as possible.

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg ; **via Zoom Videoconference**

APRIL 30, 2020
Special Called Meeting Agenda
4:00 P.M.

PRESENT: Jorge L. Salinas, President,
Gilbert Enriquez, Director
Hiren Govind, Director
Johnny Garcia, Director

ABSENT: David White, Director

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Ron Garza, EEDC Interim Director

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1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge L. Salinas called the meeting to order at 4:06 p.m. and established quorum.

2. CERTIFICATION OF POSTING OF MEETING.

Interim Director, Ron Garza confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 27th day of April 2020 at 3:00 p.m.

3. **PUBLIC COMMENTS**

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desire to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments were submitted.

4. **Executive Session**

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- ***Section 551.071, Consultation with Attorney;***
- ***Section 551.087 Discussion and possible action regarding parameters, qualifications, and award selection process for local incentive programs;***
- ***Section 551.074 and Section 551.07 Discussion and possible action on the EEDC bylaws/structural composition, organizational chart, and personnel compensation plan.***
- ***Section 551.074 Discussion, updates, and possible action on the duties, responsibilities, interview process, review of employment applications, and appointment of executive director positions.***

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

Motion was made by Director, Gilbert Enriquez, and seconded by Director Hiren Govind to convene into Executive Session.

The Motion prevailed with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Director Hiren Govind, Director Johnny Garcia
NAYS:	None
ABSENT:	Director, David White
ABSTAINED:	None

Motion carried.

President Jorge Salinas recessed into Executive Session at 4:07 pm.

5. **Open Session**

Motion was made by Director, Gilbert Enriquez, and seconded by Director, Hiren Govind to reconvene into Open Session.

The Motion prevailed with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Director Hiren Govind, Director Johnny Garcia
NAYS:	None
ABSENT:	Director, David White

ABSTAINED: None
Motion carried.

President Jorge Salinas reconvened the meeting into Open Session at 5:45pm.

Attorney, Aaron Vela stated no action was taken in Executive session

Motion was made by Director, Hiren Govind and Seconded by Director, Gilbert Enriquez to adjourn the meeting.

After consideration, the Motion prevailed to adjourn with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Director Hiren Govind, Director Johnny Garcia
NAYS:	None
ABSENT:	Director, David White
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 5:46 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: 5/14/20
Michael R Balderas -EEDC Coordinator

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

City Of Edinburg via ZOOM meeting

SPECIAL CALLED MEETING
April 9, 2020
4:00 P.M.

PRESENT: Jorge L. Salinas, President
Gilbert Enriquez, Director
David White, Director
Hiren Govind, Director
Johnny Garcia, Director

ABSENT:

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Ron Garza, City Manager

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1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge Salinas called the meeting to order at 4:01 p.m. and established quorum.

2. CERTIFICATION OF POSTING OF MEETING.

Aaron Vela, EEDC Attorney, confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 6th day of April 2020 at 1:00 p.m.

3. PUBLIC COMMENTS

The Executive Director and Board of Directors allow for a specific portion of the EEDC Council Meeting to be dedicated to public comments. Public Comments are limited to three(3) minutes. Because of the state of emergency due to the COVID-19 pandemic, the EEDC has established a telephone number for residents who desire to make a public comment during the meeting. If you would like to participate under public comments you must submit a request beginning at 9:00 a.m. the day of the meeting by (a) sending an email to

michael@cityofedinburg.com or (b) calling the EEDC at 956-383-7124. All requests must be received no later than 30 minutes before the start of the EEDC meeting. Your request should include your name, address, and telephone number. We ask for everyone's cooperation in following this procedure.

No public comments were submitted.

4. **CONSIDERATION AND POSSIBLE ACTION ON APPOINTMENT OF INTERIM EXECUTIVE DIRECTOR.**

Motion was made by Director, Gilbert Enriquez and seconded by Johnny Garcia to approve City Manager Ron Garza as Interim Executive Director.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Director David White, Director Johnny Garcia, Director Gilbert Enriquez, and Director Hiren Govind.
NAYS:	None
ABSENT:	None
ABSTAINED:	None

Motion carried.

5. **DISUSSION AND CONSIDERATION OF ADDING THE INTERIM EXECUTIVE DIRECTOR AND DESIGNEE TO THE SIGNATURE CARD FOR ANY AND ALL EEDC ACCOUNTS INCLUDING BUT NOT LIMITED TO PLAINS CAPITAL BANK, TEXAS NATIONAL BANK, LONE STAR BANK AND GREATER STATE BANK. ALONG WITH REMOVAL OF ANY FORMER EEDC EMPLOYEES.**

Motion was made by Director, Hiren Govind and seconded by Director Johnny Garcia, to approve adding the Interim Executive Director, Ron Garza and designee to the signature card for any and all EEDC accounts including, but not limited to Plains Capital Bank, Texas National Bank, Lone Star Bank, and Greater State Bank. Along with removal of any former EEDC employees.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Director David White, Director Johnny Garcia, Director Gilbert Enriquez, and Director Hiren Govind.
NAYS:	None
ABSENT:	None
ABSTAINED:	None

Motion carried.

6. **PRESENTATION, UPDATES, AND POSSIBLE ACTION ON EL TULE PROJECT.**

No Action.

7. **PRESENTATION, UPDATES, AND POSSIBLE ACTION ON NORTH PARK PROJECT.**

No Action.

8. PRESENTATION OF MONTHLY FINANCIAL REPORTS BY MR. CRIS VILLARREAL, CPA.

No Action.

9. DISCUSS AND POSSIBLE ACTION ON MOU WITH DHR/WORKFORCE.

Motion to table Item 9 by President Jorge L Salinas, Seconded by Director Johnny Garcia

After consideration, the motion to Table Item prevailed with the following:

AYES: President Jorge Salinas, Director David White, Director Johnny Garcia, Director Gilbert Enriquez, and Director Hiren Govind.
NAYS: None
ABSENT: None
ABSTAINED: None
Motion carried.

10. EXECUTIVE SESSION

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- ***Section 551.071, Consultation with Attorney;***
- ***Section 551.087, Deliberations Regarding Economic Development Negotiations.***
- ***Section 551.072, Deliberations Regarding Real Property;***
- ***Section 551.074, Personnel Matters; and***

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

Motion was made by Director, Johnny Garcia and seconded by Director, Hiren Govind to convene into Executive Session.

After consideration, the motion prevailed with the following:

AYES: President, Jorge L Salinas, Director David White,
Director Johnny Garcia,
Director Gilbert Enriquez, and Director Hiren Govind.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

The meeting convened into Executive Session at 5:28pm

Motion was made by Director, Johnny Garcia and seconded by Director, Hiren Govind to reconvene into Executive Session.

After consideration, the motion prevailed with the following:

AYES: Director David White, Director Johnny Garcia, Director Gilbert Enriquez, and Director Hiren Govind.
NAYS: None
ABSENT: President, Jorge L Salinas
ABSTAINED: None
Motion carried.

Director, Gilbert Enriquez reconvened the meeting into Open Session at 8:45pm and stated No Action was taken during the Executive Section.

Director Gilbert Enriquez noted that President Jorge L. Salinas left meeting at 8:38pm

A. **Consultation with Attorney:**
   1. Other Legal Matters.

B. **Potential litigation/claim - former executive director Augustin "Gus" Garcia's demand for payment regarding his termination.**
   Motion was made by Director Johnny Garcia and Seconded by Director Hiren Govind for legal counsel to continue as instructed.

   After consideration, the motion prevailed with the following:

   AYES: Director David White, Director Johnny Garcia, Director Gilbert Enriquez, and Director Hiren Govind.
   NAYS: None
   ABSENT: President, Jorge L Salinas
   ABSTAINED: None
   Motion carried.

C. **Discussion and possible action from Buxton preliminary data.**
   No Action.

D. **Discussion and possible action on Ocean Gate Agreement.**
   Motion was made by Director Johnny Garcia and Seconded by Director David White for action proceeded as instructed on Ocean Gate Agreement.

   After consideration, the motion prevailed with the following:

   AYES: Director David White, Director Johnny Garcia, Director Gilbert Enriquez
   NAYS: None
   ABSENT: President, Jorge L Salinas
   ABSTAINED: Director Hiren Govind
   Motion carried.

E. **Discussion and possible action on Ravi Building Realtor and/or current lease rates and agreements.**
No Action.

F. **Discussion and possible action on EEDC Business Grants.**
No Action.

G. **Discussion and possible action on Edinburg Plaza, Dan Damon.**
Motion was made by Director Hiren Govind and Seconded by Director Johnny Garcia to proceed as instructed.
After consideration, the motion prevailed with the following:

AYES: Director Gilbert Enriquez, Director Hiren Govind, Director David White, and Director Johnny Garcia.
NAYS: None
ABSENT: President, Jorge L Salinas
ABSTAINED: None
Motion carried

H. **Discussion and possible action on Valley Metro-LRGVDC.**
Motion was made by Director Gilbert Enriquez and Seconded by Director David White to cover utilities costs at the transit center until EDC finalizes the lease agreements.
After consideration, the motion prevailed with the following:

AYES: Director Gilbert Enriquez, Director Hiren Govind, Director David White, and Director Johnny Garcia.
NAYS: None
ABSENT: President, Jorge L Salinas
ABSTAINED: None
Motion carried.

I. **Discussion and possible action on EEDC sales tax revenue bonds, new series 2019.**
No Action.

J. **Discussion and possible action on the EEDC employee organizational chart and compensation plan 2019-2020.**
No Action.

K. **Discussion and updates on the position of executive director applicants and interview process.**

No Action.

ADJOURNMENT

Motion was made by Director Johnny Garcia and Seconded by Director Hiren Govind to adjourn the meeting.

After consideration, the motion prevailed with the following:

AYES:	Director Gilbert Enriquez, Director Hiren Govind, Director David White, and Director Johnny Garcia.
NAYS:	None
ABSENT:	President, Jorge L Salinas
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 8:48 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: ______________________ 5/27/10

Michael R Balderas -EEDC Coordinator

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

SPECIAL CALLED MEETING AGENDA
MARCH 12, 2020
6:00 P.M.

PRESENT: Jorge L. Salinas, President,
Director Hiren Govind,
Director David White,
Director Gilbert Enriquez
Director Johnny Garcia

ABSENT:

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney

1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge Salinas called the meeting to order at 6:00 p.m. and established quorum.

2. CERTIFICATION OF POSTING OF MEETING.

EEDC Attorney, Aaron Vela confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 9th day of March 2020 at 3:00 p.m.

3. PUBLIC COMMENTS

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments.

4. APPOINTMENTS

A. Discussion of duties, responsibilities remuneration, interview process and procedures, review and interview potential candidates and possible action of Edinburg Economic Development Corporation Executive Director.

No action taken, but motion by Director, Johnny Garcia to move item 4 to executive session, Seconded by Director, Hiren Govind.

The Motion prevailed with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Hiren Govind, David White, and Johnny Garcia
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

5. EXECUTIVE SESSION

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- ***Section 551.071, Consultation with Attorney;***
- ***Section 551.074, Personnel Matters; and,***

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

A. Consultation with Attorney:

Motion was made by Director, Johnny Garcia and seconded by Director, Hiren Govind to convene into Executive Session.

The Motion prevailed with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Hiren Govind, David White, and Johnny Garcia
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.
President Jorge Salinas recessed into Executive Session at 6:01 pm.

Motion was made by Director, Johnny Garcia and seconded by David White to reconvene into Open Session.

The Motion prevailed with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Hiren Govind, David White, and Johnny Garcia
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.
President Jorge Salinas reconvened the meeting into Open Session at 7:06 pm.

Attorney, Aaron Vela stated no action was taken in Executive Session, but announcement was made to extend the application process to April 6, 2020 until 5:00 pm for the position of the Executive Director.

The Motion prevailed with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Hiren Govind, David White, and Johnny Garcia.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

Motion was made by Director, Gilbert Enriquez and Seconded by Director, Johnny Garcia to adjourn.

After consideration, the Motion prevailed with the following:

AYES:	President Jorge Salinas, Director Gilbert Enriquez, Hiren Govind, David White, and Johnny Garcia.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 7:06 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: 5/19/20
Michael R Balderas - EEDC Coordinator

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

Meeting Agenda
February 26, 2020
6:00 P.M.

PRESENT: Jorge L. Salinas, President,
Xavier Salinas, Vice-President
Roland Gomez, Secretary
Daniel Diaz, Treasurer
Gilbert Enriquez, Director

ABSENT:

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Richard Hinojosa, EEDC Interim Director

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1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge Salinas called the meeting to order at 6:00 p.m. and established quorum.

Director, Gilbert Enriquez, arrived at 6:02pm.

2. **CERTIFICATION OF POSTING OF MEETING.**

Interim Executive Director Richard Hinojosa confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 21st day of February 2020 at 5:00 p.m.

3. **PUBLIC COMMENTS**

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments.

4. **Presentation, Edinburg Chamber of Commerce.**

No Action.

5. **Interim Executive Directors Report**

No Action.

6. **Presentation and Updates on North Park Project.**
No Action.

7. **Presentation and Updates on El Tule Project.**
No Action.

8. **Discussion and Possible Action on Bicentennial Park Upgrade.**

Motion was made by Director, Gilbert Enriquez and seconded by Treasurer, Daniel Diaz to go out for design RFQs in regards to the area lights at Bicentennial Park.

After consideration, the Motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

9. **Consideration and Possible Action on the Position of Interim Executive Director.**
No Action.

10. **Consideration and Possible Action on Project Unity.**
Motion was made by Vice President, Xavier Salinas and seconded by Director Gilbert Enriquez to go with Mr. Gomez for demolition.

After consideration, the Motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

11. **Discussion and Possible Action on Nu-Co Tool.**
Motion was made by Director, Gilbert Enriquez and seconded by Secretary, Roland Gomez to move items 11,12,14,15, and 17 into Executive Session.

After consideration, the Motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

12. **Discussion and Possible Action on Existing Mou with DHR/Workforce.**
Motion was made by Director, Gilbert Enriquez and seconded by Secretary, Roland Gomez to move items 11,12,14,15, and 17 into Executive Session.

After consideration, the Motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

13. **Discussion and Possible Action on MOU with SixRn's Institute Health Career Training School.**

No Action.

14. **Discussion and Possible Action on OceanGate Agreement.**
Motion was made by Director, Gilbert Enriquez and seconded by Secretary, Roland Gomez to move items 11,12,14,15, and 17 into Executive Session.

After consideration, the Motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

15. **Discussion and Possible Action from Buxton Preliminary Data.**
Motion was made by Director, Gilbert Enriquez and seconded by Secretary, Roland Gomez to move items 11,12,14,15, and 17 into Executive Session.

After consideration, the Motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

16. **Discussion and Possible Action on Valley Metro-LRVDC.**

No Action.

17. **Discussion and Possible Action on GRH Investments Plaza.**
Motion was made by Director, Gilbert Enriquez and seconded by Secretary, Roland Gomez to move items 11,12,14,15, and 17 into Executive Session.

After consideration, the Motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

18. **Discussion and Possible Action on 6 Pending Small Business Requests and Small Business Grants.**

No Action.

19. **Presentation EEDC Financial Reports**

No Action.

20. **EXECUTIVE SESSION**

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- ***Section 551.071, Consultation with Attorney;***
- ***Section 551.072, Deliberations regarding Real Property;***
- ***Section 551.087, Deliberations Regarding Economic Development Negotiations***
- ***Section 551.074, Personnel Matters;***

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

A. Consultation with Attorney:

1. Other Legal Matters.

No Action.

Motion was made by Vice President, Xavier Salinas and seconded by Treasurer, Daniel Diaz to convene into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

President Jorge Salinas recessed into Executive Session at 6:54 pm

Motion was made by Director, Gilbert Enriquez, and seconded by Treasurer, Daniel Diaz to reconvene into Open Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Director, Gilbert Enriquez,
ABSTAINED:	None

Motion carried.

President Jorge Salinas reconvened the meeting into Open Session at 8:16 pm.

Attorney, Aaron Vela stated no action was taken in Executive Session, stating motion was needed to remove Items 11, 12, 14, 15, and 17 from Executive Session and bring it back into Open Session.

Motion was made by Treasurer Daniel Diaz and seconded by Secretary, Roland Gomez to bring Items 11, 12, 14, 15, and 17 into Open Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Director, Gilbert Enriquez
ABSTAINED:	None

Motion carried.

Motion was made by Vice President, Xavier Salinas and Seconded by Secretary, Roland Gomez to adjourn the meeting.

After consideration, the Motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Director, Gilbert Enriquez
ABSTAINED:	None

Motion carried.

Mr. Enriquez returned at 8:17 p.m.
The meeting was adjourned at 8:17 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: [signature] 5/18/20
Michael R Balderas -EEDC Coordinator

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

SPECIAL MEETING
February 17, 2020
5:30 P.M.

PRESENT: Jorge L. Salinas, President,
Xavier Salinas, Vice-President
Roland Gomez, Secretary
Daniel Diaz, Treasurer
Gilbert Enriquez, Director

ABSENT:

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Richard Hinojosa, EEDC Interim Director

1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge Salinas called the meeting to order at 5:30 p.m. and established quorum.

2. CERTIFICATION OF POSTING OF MEETING.

Interim Executive Director Richard Hinojosa confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 14th day of February 2020 at 4:00 p.m.

3. **PUBLIC COMMENTS**

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments.

4. **DISCUSS AND UPDATES ON THE POSITION OF EXECUTIVE DIRECTOR APPLICANTS AND INTERVIEW PROCESS.**

Motion was made by Vice President Xavier Salinas, and seconded by Secretary, Roland Gomez to move item 4 into executive session.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

5. **DILBERATE DISCUSS AND CONSIDER APPROVING A RESOLUTION, PURCHASE, AND SALE AGREEMENT AND OTHER RELATED DOCUMENTS FOR THE PURCHASE OF LOTS 7 AND 8, BLOCK 214, ORIGINAL TOWNSITE OF EDINBURG, HIDALGO COUNTY, TEXAS, AS PER MP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 3, MAP RECORDS, HIDALGO COUNTY, TEXAS.**

Motion was made by Vice President, Xavier Salinas and seconded by Treasurer, Daniel Diaz for the approval of a contract and of a resolution.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

6. **EXECUTIVE SESSION**

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- ***Section 551.071, Consultation with Attorney;***
- ***Section 551.072, Deliberations regarding Real Property;***
- ***Section 551.074, Personnel Matters; and***
- ***Section 551.087, Deliberations Regarding Economic Development Negotiations.***

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

A. Consultation with Attorney:

1. Other Legal Matters.

No Action.

Motion was made by Vice President, Xavier Salinas and seconded by Director, Gilbert Enriquez to convene into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

President Jorge Salinas recessed into Executive Session at 5:35 pm.

Motion was made by Director, Gilbert Enriquez, and seconded by Treasurer, Daniel Diaz to reconvene into Open Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

President Jorge Salinas reconvened the meeting into Open Session at 6:11p.m.

Attorney, Aaron Vela stated no action was taken in Executive Session.

Motion was made by Secretary, Roland Gomez and Seconded by Vice President, Xavier Salinas to adjourn the meeting.

After consideration, the Motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 6:12 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: 5/18/20

Michael R Balderas -EEDC Coordinator

b

Edinburg Economic Development Corporation

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

SPECIAL MEETING
January 20, 2019
5:00 P.M.

PRESENT: Jorge L. Salinas, President
Roland Gomez, Secretary
Daniel Diaz, Treasurer
Gilbert Enriquez, Director

ABSENT Xavier Salinas, Vice-President

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Ruben Ramirez, EEDC Interim Director

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1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge Salinas called the meeting to order at 5:00 p.m. and established quorum.

2. CERTIFICATION OF POSTING OF MEETING.

Interim Executive Director Ruben Ramirez confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 16th day of January 2020 at 8:00 a.m.

3. PUBLIC COMMENTS

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments.

4. **DISCUSS AND CONSIDER APPROVAL OF SPONSERSHIP FOR EDINBURG CHAMBER OF COMMERCE, FIESTA EDINBURG.**

Motion was made by Director, Gilbert Enriquez and seconded by Treasurer, Daniel Diaz to approve an additional 10 thousand dollars for Sponsorship for Edinburg Chambers of Commerce, Fiesta Edinburg to match the last 5 years' sponsorship.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

5. **CONSIDERATION AND POSSIBLE ACTION ON SEEKING APPLICATS, ADVERTISING FOR THE POSITION OF EXECUTIVE DIRECTOR, ASSISTANT EXECUTIVE DIRECTOR, AND DIRECTOR, OF BUSINESS OPERATIONS AND MARKETING.**

Motion was made by Director, Gilbert Enriquez and seconded by President, Jorge Salinas, advertising for the position of executive director, assistant executive director, and director, of business operations and marketing.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

6. **CONSIDERATION AND POSSIBLE ACTION ON APPOINMENT OF INTERIM EXECUTIVE DIRECTOR.**

Motion was made by Director, Gilbert Enriquez and seconded by President, Jorge Salinas to move item 6 into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

7. **EXECUTIVE SESSION**

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- ***Section 551.071, Consultation with Attorney;***
- ***Section 551.074, Personnel Matters; and,***

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

A. Deliberate the goals, objectives, and evaluation of the EEDC Executive Director;

No Action.

B. Discuss and update on Project Icarus;

No Action.

C. Consultation with Attorney:

No Action.

Motion was made by Director, Gilbert Enriquez, and seconded by Secretary, Roland Gomez to convene into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

President Jorge Salinas recessed into Executive Session at 5:17 pm.

Motion was made by Director, Gilbert Enriquez, and seconded by Treasurer, Daniel Diaz to reconvene into Open Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

President Jorge Salinas reconvened the meeting into Open Session at 5:41.

Attorney, Aaron Vela stated no action was taken in Executive Session, stating motion was needed to remove Item 6 from Executive Session and bring it back into Open Session.

Motion was made by Director, Gilbert Enriquez, and seconded by Secretary, Roland Gomez, to bring Item 6 into Open Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

Motion was made by Director, Gilbert Enriquez and seconded by Secretary, Roland Gomez, to appoint Richard Hinojosa, as Interim EEDC Executive Director.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

Motion was made by Director, Gilbert Enriquez and Seconded by Secretary, Roland Gomez to adjourn the meeting.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 5:43 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: ____________________ 5/27/20

Michael R Balderas -EEDC Coordinator

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

SPECIAL JOINT MEETING
January 15, 2020
5:00 P.M.

PRESENT: Jorge L. Salinas, President,
Xavier Salinas, Vice-President
Roland Gomez, Secretary
Daniel Diaz, Treasurer
Gilbert Enriquez, Director

ABSENT:

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Ruben Ramirez, Interim Executive Director, EEDC

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1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

A. Pledge of Allegiance.
B. Prayer.

President Jorge Salinas called the meeting to order at 5:00 p.m. and established quorum.

2. **CERTIFICATION OF POSTING OF MEETING.**

Interim Executive Director Ruben Ramirez confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 10th day of January 2020 at 5:10 p.m.

3. **PUBLIC COMMENTS**

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

A. **Eva Torres and Desirae Mendez in support of the Library Arts and Cultural Arts Representative:** Sam Houston Project, would like a request to have a workshop or presentation to show the possibilities for what they have been doing. Would like the support of the city to make it all happen.

4. **Presentations and Reports.**

A. Discussion and Possible Action regarding joint projects between The City of Edinburg and The Edinburg Economic Development Corporation. [Thomas D. Reyna, Assistant City Manager]

1. **Finishing of the El Tule Project:** Updated the plans from previous meeting. The only change was the entrance from the east and west side entrance. Still with the 185 parking spots. The floor plan added 2 additional ft to the administration area, as well as adding 2 double doors to courts 2 and 3. Wood flooring in all 3 gyms. Motion to approve the preliminary budget of $5,382,500 including the sight cost made by Director, Gilbert Enriquez and seconded by Treasurer, Daniel Diaz.

After consideration, the motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

2. **Update on the Bicentennial lighting and North Park:** Approval of the Splash Pad manufacturer to be added at North Park. **Bicentennial Park:** Would be adding 12 field lighting and changing the electrical box. Looking into adding additional lighting to the poles for the parking lot and will discuss about it in a later date.

NO ACTION.

5. **EXECUTIVE SESSION**

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- ***Section 551.071, Consultation with Attorney;***
- ***Section 551.072, Deliberations regarding Real Property;***

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

A. EEDC PROJECT CINQUE

No Action.

Motion was made by Vice President, Xavier Salinas and seconded by Secretary, Roland Gomez to convene into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

President Jorge Salinas recessed into Executive Session at 5:43 pm.

Motion was made by Secretary, Roland Gomez and seconded by Treasurer, Daniel Diaz to reconvene into Open Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

President Jorge Salinas reconvened the meeting into Open Session at 6:12pm.
Xavier Salinas left at 6:10 pm

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

Motion was made by Secretary, Roland Gomez and Seconded by Treasurer, Daniel Diaz to adjourn the meeting.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Xavier Salinas, Vice President
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 6:14 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: 5/28/20
Michael R Balderas -EEDC Coordinator

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

MEETING
January 14, 2020
6:00 P.M.

PRESENT: Jorge L. Salinas, President,
Xavier Salinas Vice-President,
Roland Gomez Secretary
Daniel Diaz Treasurer,
Gilbert Enriquez Director.

ABSENT:

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Ruben Ramirez, EEDC Interim Director

1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge Salinas called the meeting to order at 6:00 p.m. and established quorum.

2. **CERTIFICATION OF POSTING OF MEETING.**

Interim Executive Director Ruben Ramirez confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 10th day of January 2020 at 1:00 p.m.

3. **PUBLIC COMMENTS**

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments.

4. **PRESENTATION FROM EDINBURG CHAMBER OF COMMERCE, FIESTA EDINBURG.**

5. **DISCUSS AND CONSIDER APPROVAL OF EEDC SMALL BUSINESS PROGRAMS.**

Motion was made by Treasurer, Daniel Diaz and seconded by Secretary, Roland Gomez to move item 5 into Executive Session.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

6. **DISCUSS AND CONSIDER APPROVAL OF CAPITAL OUTLAY PROJECTS ADMENDMENTS.**

Motion was made by Vice President, Xavier Salinas and seconded by Director, Gilbert Enriquez to move item 6 into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

7. **DIRECTORS REPORT**

8. **EXECUTIVE SESSION**

The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.

- *Section 551.071, Consultation with Attorney;*
- *Section 551.074, Personnel Matters; and,*
- *Section 551.072, Deliberations regarding Real Property;*
- *Section 551.087, Deliberations Regarding Economic Development Negotiations.*

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

A. Deliberate the offers of financial or other incentives to business prospects.
B. Deliberate the possible action regarding Project Cinque;
C. Deliberate possible action regarding Unity;
D. Deliberate possible action regarding Project Comer;
E. Deliberate possible action regarding RFP 2020-1;
F. Deliberate the goal, objectives, and evaluation of the EEDC Executive Director;
G Discuss and update on Project Icarus;
H. Consultation with Attorney:
  1. Pending litigation.
  2. Other Legal Matters.

Motion was made by Vice President, Xavier Salinas and seconded by Director, Gilbert Enriquez to convene into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

President Jorge Salinas recessed into Executive Session at 7:09 pm.

Motion was made by Vice President, Xavier Salinas and seconded by Secretary, Roland Gomez to reconvene into Open Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

President Jorge Salinas reconvened the meeting into Open Session at 10:40pm.

Attorney, Aaron Vela stating motion was needed to remove Items 5 and 6 from Executive Session and bring them back into Open Session. Attorney, Aaron Vela stated no action was taken in Executive Session.

Motion was made by Director, Gilbert Enriquez, and seconded by Secretary, Roland Gomez to bring Item 5 and 6 into Open Session.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

Motion was made by Director, Gilbert Enriquez and seconded by Secretary, Roland Gomez, to appoint Luis C Arozco to be EDC auditor and EDC attorney to negotiate a contract.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

Motion was made by Director, Gilbert Enriquez and seconded by Treasurer, Daniel Diaz to accept letter of resignation of Interim EEDC director Ruben Ramirez.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

Motion was made by Vice President, Xavier Salinas and Seconded by Director, Gilbert Enriquez to adjourn the meeting.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 10:49 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: ______________ 5/28/20

Michael R Balderas -EEDC Coordinator

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

SPECIAL MEETING AGENDA
January 7, 2020
5:00 P.M.

PRESENT: Jorge L. Salinas, President,
Xavier Salinas, Vice-President
Roland Gomez, Secretary
Gilbert Enriquez, Director

ABSENT: Daniel Diaz, Treasurer

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Ruben Ramirez, EEDC Interim Director

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1. CALL MEETING TO ORDER, ESTABLISH QUORUM.

President Jorge Salinas called the meeting to order at 5:03 p.m. and established quorum.

2. CERTIFICATION OF POSTING OF MEETING.

Interim Executive Director Ruben Ramirez confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 3rd day of January 2020 at 12:00 p.m.

3. **PUBLIC COMMENTS**

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desire to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments.

4. **Presentations and Reports.**

A. Discussion and Possible Action regarding joint projects between The City of Edinburg and The Edinburg Economic Development Corporation. [Thomas D. Reyna, Assistant City Manager]

1. Gyms at El Tule Project: Are to discuss three items. First adding a cement line, second is looping the water lines, third is the parking lot. Talk about adding more doors for a better way to exit the building.
2. North Park Project Update: Change or remove the softball field to add a dog park. The change order was $81,447.43. In process for adding color schemes for the play area. Phase 2 of a splash pad to build everything so that not needing to rebuild.

Motion was made by Vice President, Xavier Salinas and Seconded by Secretary, Roland Gomez to adjourn the meeting.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	Treasurer Daniel Diaz,
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 6:00 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: [signature] 6/3/20

Michael R Balderas -EEDC Coordinator

Edinburg Economic Development Corporation

MINUTES OF THE
EDINBURG ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

LOCATION: City of Edinburg
City Hall-Council Chambers
415 West University Dr.
Edinburg, Texas 78541

REGULAR MEETING
November 26, 2019
6:00 P.M.

PRESENT: Jorge L. Salinas, President,
Vice-President Xavier Salinas,
Secretary Roland Gomez,
Treasurer, Daniel Diaz,
Director Gilbert Enriquez.

ABSENT:

STAFF: Michael R. Balderas, Small Business, Workforce Development, and Special Events Coordinator
Aaron Vela, EEDC Attorney
Ruben Ramirez, EEDC Interim Director

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1. **CALL MEETING TO ORDER, ESTABLISH QUORUM.**

President Jorge Salinas called the meeting to order at 6:01 p.m. and established quorum.

2. **CERTIFICATION OF POSTING OF MEETING.**

Interim Executive Director Ruben Ramirez confirmed the notice was posted, in accordance with the Texas Open Meetings Act, on the 22nd day of November 2019 at 12:00 p.m.

3. **PUBLIC COMMENTS**

The Executive Director and Board of Directors allow for a specific portion of the EEDC Meeting to be dedicated to public comments. Public Comments are limited to three (3) minutes. If a resident desires to make a public comment, please complete the Public Comments Form which will be located inside of the City Council Chambers and submit the completed form to EEDC staff prior to the commencement of the EEDC Meeting. We ask for everyone's cooperation in following this procedure.

No public comments.

4. **Approval of Board of Directors' Minutes for September 24, 2019 EEDC Regular Meeting.**

Motion was made by President, Jorge L Salinas and seconded by Treasurer, Daniel Diaz to the approval of Board of Directors' Minutes for September.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

5. **Executive Director's Report**

6. **Election of officers for EEDC Board of Directors.**

Motion was made by Director, Gilbert Enriquez and Seconded by President, Jorge Salinas to appoint Office Titles to the following President, Jorge L. Salinas, Vice President, Xavier Salinas, Secretary, Roland Gomez, and Treasurer, Daniel Diaz.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

7. **Discuss and consider approval of removing former employee Nelda Ramirez from all EEDC related accounts.**

Motion was made by President Jorge Salinas and Seconded by Vice President, Xavier Salinas to move item 7 into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	

ABSTAINED: None
Motion carried.

8. **<u>Discuss and consider approval of auditor proposals.</u>**

Motion was made by President Jorge Salinas and Seconded by Vice President, Xavier Salinas to move item 8 into Executive Session.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

9. **<u>Discuss and consider approval of North Park change order to bring the project within budget.</u>**

Motion to approve item 9 by Vice President, Xavier Salinas and Seconded by Director, Gilbert Enriquez.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

10. **<u>Discuss and consider approval of budgeting up to $390,000.00 for the splash pad equipment and installation at North Park.</u>**

Motion to approve item 10 by Director Gilbert Enriquez and Seconded by President Jorge L Salinas.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS: None
ABSENT: Xavier Salinas, Vice President,
ABSTAINED: None
Motion carried.

11. **Discuss and consider project approval and budget for relighting of the softball fields at Bicentennial Park.**
Motion to approve of item 11 by Vice President, Xavier Salinas and Seconded by Secretary, Roland Gomez.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

12. **Executive Session**
The EEDC Board will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Civil Statutes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirements that Meetings be Open, to deliberate under the following Sections.
- *Section 551.071, Consultation with Attorney;*
- *Section 551.072, Deliberations regarding Real Property*
- *Section 551.087, Deliberations Regarding Economic Development Negotiations*

The EEDC Board may elect to go into Executive Session on any item whether or not such item is posted as an Executive Session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act. The will deliberate the following items:

A. Discuss ongoing Project Citadel

B. Discuss ongoing Project Icarus

C. Deliberate possible action regarding Project Cinque

D. Deliberate possible action regarding Project Rayon

E. Deliberate possible action regarding Project Urban Vibe

F. Deliberate possible action regarding Project Surf-n-Turf

G. Deliberate possible action regarding Project Unify.

H. Consultation with Attorney:
1. Other Legal Matters

Motion was made by Vice President, Xavier Salinas and seconded by Director, Gilbert Enriquez to convene into Executive Session.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.

NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

President Jorge L. Salinas recessed into Executive Session at 6:59 pm.

Motion was made by Vice President, Xavier Salinas and seconded by Director, Gilbert Enriquez to reconvene into Open Session.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

President Jorge Salinas reconvened the meeting into Open Session at 9:23pm.

No action was taken on Item 7 for approval of removing former employee Nelda Ramirez from all EEDC related accounts.

Motion was made by Jorge L. Salinas and Seconded by Vice President, Xavier Salinas to go out for RFQs in regards to Item 8.

After consideration, the motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President and Secretary, Roland Gomez.
NAYS: None
ABSENT:
ABSTAINED: None
Motion carried.

Attorney, Aaron Vela stated no action was taken in Executive Session.

Motion made by President, Jorge L. Salinas and seconded by Director, Gilbert Enriquez to deliberate possible action regarding Project Cinque.

The motion prevailed with the following:

AYES: President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS: None
ABSENT:

ABSTAINED: None
Motion carried.

Motion made by Director, Gilbert Enriquez and seconded by Treasurer, Daniel Diaz to deliberate possible action regarding Project Unify.

The motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, Xavier Salinas, Vice President, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

Motion was made by Director, Gilbert Enriquez and Seconded by Vice President, Xavier Salinas to adjourn the meeting.

After consideration, the motion prevailed with the following:

AYES:	President Jorge Salinas, Treasurer Daniel Diaz, Director, Gilbert Enriquez, and Secretary, Roland Gomez.
NAYS:	None
ABSENT:	
ABSTAINED:	None

Motion carried.

The meeting was adjourned at 9:25 p.m.

EDINBURG ECONOMIC DEVELOPMENT CORPORATION

By: 6/3/20
Michael R Balderas -EEDC Coordinator

Financial Agreement
For A
High Demand Job Training Program
Between
Lower Rio Grande Valley Workforce Development Board d.b.a. Workforce Solutions
And
Edinburg Economic Development Corporation
And
Doctors Hospital at Renaissance, Ltd., assumed name Health Sciences Institute at Renaissance

This Financial Agreement sets forth the terms and conditions between the **Lower Rio Grande Valley Workforce Development Board, d.b.a. Workforce Solutions**, the **Edinburg Economic Development Corporation,** and **Doctors Hospital at Renaissance, Ltd., assumed name Health Sciences Institute at Renaissance** for a "High Demand Job Training Program" grant and contributing funds.

I. Purpose of Agreement

Workforce Solutions desires to collaborate with the Edinburg Economic Development Corporation to provide high demand occupational job training. This partnership combines local economic development sales taxes with Workforce Solutions **Workforce Innovation and Opportunity Act** funds for high demand job training. For this Program, high demand job training means supporting employment opportunities in high demand jobs in the Health and Allied Fields in Edinburg, Texas. To achieve this purpose, this grant enables the Board to dedicate and expend funds when local economic development sales tax funds contribute to jointly support such training.

II. Parties to the Agreement

The Lower Rio Grande Valley Workforce Development Board, d.b.a. Workforce Solutions is funded through the Texas Workforce Commission and is responsible for administering an integrated workforce development system, including job training, employment, and employment related educational programs.

The **Edinburg Economic Development Corporation (EEDC)** is the City of Edinburg, Texas economic development corporation. EEDC has taken the necessary actions through its governing body to commit funds for this grant in the amount of **$24,100.00**. The **EEDC** funds will directly contribute to support the provision of the high demand job training described in this agreement.

Doctors Hospital at Renaissance, Ltd., assumed name Health Sciences Institute at Renaissance (HSIR) is a Workforce Innovation and Opportunity Act Eligible Training Provider, approved through the Texas Workforce Commission's Career Schools and Colleges.

Workforce Solutions, the **Edinburg Economic Development Corporation** (EEDC), and **Doctors Hospital at Renaissance, Ltd., assumed name Health Sciences Institute at Renaissance (HSIR)** through this Agreement, set forth the respective responsibilities of each of the parties and define the manner in which each will collaborate and mutually benefit in the delivery of training services that meet the requirements of the 'High Demand Job Training Program."

III. Duration Of Agreement

This Agreement is effective upon signature and shall continue in effect until December 31, 2021 unless earlier terminated pursuant to its terms. To be effective and binding, any request for modifications, amendments and/or extensions of the Agreement must be mutually agreed upon, submitted in writing and signed by each of the parties hereto. A cancellation of this Agreement can be made by any party upon thirty (30) days' written notice. Any party may terminate its obligations under this Agreement in the event that another party is in default or in breach of the terms, conditions, and obligations of the Agreement by giving written notice to the other parties including a description of the default or breach. The termination shall be effective if the breaching party fails to cure the breach within 15 days from receipt of the written notice.

IV. High Demand Job Training Occupations Program Description

The High Demand Job Training Program grant funds will create the opportunity for the City of Edinburg to directly contribute to the strong demand for certified and credentialed professionals for employment opportunities within Edinburg's numerous hospitals and medical/health facilities. The City of Edinburg is committed to serving the employer community and positively impacting the local economy.

1. Estimated Number to Be Trained

A maximum of twenty-six (26) participants shall be trained: 20 Medical Assistants and 6 Diagnostic Medical Sonography as outlined and defined in Attachment A.

2. Assurances and Responsibilities of Each Party

The parties agree that their respective responsibilities and assurances under this Agreement shall be as follows:

A. Workforce Solutions Shall:

i. The board will provide direct tuition costs to **HSIR** for the delivery of the two (2) training programs: Medical Assistant and Diagnostic Medical Sonography as outlined in Attachment A, for a total tuition investment (not to exceed) of **$117,000.00**.
ii. In addition, board responsibilities include naming a point of contact, program oversight, development of invoicing template for review of invoices, recipient costs, and tuition payments.
iii. Coordinate with its Contractor for workforce systems the referral of identified participants for the training programs.
iv. Assure that grant funds will not be used to encourage or induce relocation or for customized or skill training or related activities after relocation;
v. Comply with the Financial Manual for Grants and Contracts; and
vi. Workforce Solutions' Contractor for workforce systems shall be responsible for determining and documenting eligibility of each participant, consistent with Workforce Innovation and Opportunity Act (WIOA), prior to a participant receiving any services funded with grant funds.

B. Edinburg Economic Development Corporation Shall:

i. The EEDC shall provide funds to HSIR in the amount of **$24,100.00**. Funds will pay tuition for Medical Assistance and Diagnostic Medical Sonography as contained in Attachment A.
ii. The EEDC reserves the right to determine eligibility for any participant receiving tuition funding from the EEDC.
iii. Provide an assurance that grant funds will not be used to encourage or induce relocation or for customized or skill training or related activities after relocation, (WIOA § 181(d)(1) and (d)(2), 29 U.S.C. § 2931(d)(1) and (d)(2)); and
iv. Provide assurances regarding compliance with Texas Government Code, Chapter 2264;
v. Provide assurances regarding compliance with the Financial Manual of Grants and Contracts by the Board;
vi. For auditing purposes, provide the documentation of funds expended and jointly develop an invoicing template for tuition payments;
vii. Assure Workforce Solutions that the source of funds are properly derived from sales tax funds;
viii. When issuing statements, press releases, and other documents describing the project or program funded in whole or in part with Federal money, EEDC shall clearly state:
    a. The percentage of the cost of the program or project which will be financed with federal money;
    b. The dollar amount of federal funds for the project or program; and
    c. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

C. Doctors Hospital at Renaissance, Ltd., assumed name Health Sciences Institute at Renaissance (HSIR) Shall:

i. Develop curriculum, where applicable, and deliver training and certifications to a maximum of 26 participants as defined and contained in Attachment A;
ii. Provide adequate staffing to successfully implement and operate training classrooms;
iii. Establish Training Calendar/Schedule;
iv. Provide quarterly narratives to Workforce Solutions and EEDC on delivery of training and certifications. The reports shall also include, but are not limited to, the number of participants trained and/or assessed during the reporting period (Workforce Solutions shall provide the reporting template);
v. Jointly develop an invoicing template for tuition payments.
vi. Provide copies of all certifications obtained by participants to Workforce Solutions and/or workforce system contractor;
vii. Assure Workforce Solutions and EEDC that all allocated funds will be spent for the sole purpose of the development and delivery of training programs as outlined;
viii. Develop an outreach plan and training program material together with Board's Contractor for workforce systems to promote awareness of training program availability;
ix. Work closely with the local workforce system contractor and workforce career center to coordinate program eligibility (inclusive of costs paid by this agreement and costs to trainee);
x. Work with Workforce Solutions to ensure that participants are deemed eligible prior to a participant receiving any services funded with grant funds. To extent permitted by law, HSIR shall maintain confidential eligibility documentation files for each participant receiving services; and
ix. When issuing statements, press releases, and other documents describing the project or program funded in whole or in part with federal money, HSIR shall clearly state:
    a. The percentage of the cost of the program or project which will be financed with federal money and the amount financed by EEDC;
    b. The dollar amount of federal funds (WIOA) for the project or program; and
    c. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

III. Allocation of Costs

The parties to this Agreement assume full responsibility for their respective costs associated with their performance of the agreed to terms outlined in this Agreement.

Workforce Solutions Cost Summary (tuition): Total: $117,000.00

Edinburg Economic Development Corporation (Tuition); Total $24,100.00

Total Agreement Amount: $ 141,100.00

VII. Acknowledgements

Nothing in this Agreement will create or imply an agency relationship between or among the parties hereto nor will this Agreement be deemed to constitute a joint venture or partnership between the parties. This Agreement is intended solely for the benefit of each of the parties to the Agreement and does not confer third-party beneficiary rights upon any other person. A waiver by any party of any breach of any of the terms or conditions of this Agreement shall not be construed as a waiver of any succeeding breach. All rights, remedies, and obligations contained in this Agreement shall be cumulative and shall not be in limitation of any other right, remedy or obligation of any party. If any provision of this Agreement, as applied to any party or to any circumstances, shall be adjudged by a court to be void or unenforceable, the same shall in no way affect any other provision of this Agreement or the validity or enforceability of this Agreement.

Approved:

The undersigned parties agree to the terms of this Financial Agreement and bind themselves to the faithful performance of this Agreement. It is mutually understood that this Agreement shall not become effective until approved by all parties.

Lower Rio Grande Valley Workforce Development Board d.b.a. Workforce Solutions

____

Francisco Almaraz
Chief Executive Officer

____

Signature/Date

Edinburg Economic Development Corporation

____

Ron Garza
Interim Executive Director

____

Signature/Date

Doctors Hospital at Renaissance, Ltd., assumed name Health Sciences Institute at Renaissance

____

Susan S. Turley
President

Signature/Date

Health Sciences Institute at Renaissance (HSIR) Career Opportunity Expansion and Certificate Program Proposal for Edinburg EDC and Texas Workforce Solutions

DHR Health is dedicated to our community and we are excited to partner with the Edinburg Economic Development Corporation (EEDC) and Texas Workforce Solutions (TWS) to provide career opportunities to adults living or working in the City of Edinburg.

Program Benefits

- **Adult-Learning and Career Opportunities –** HSIR certificate programs are adult-learning post-secondary programs geared towards working adults looking to enter the medical field and create a pathway for professional advancement.
  - Upon completion of program, graduates are eligible to sit for certification and have the opportunity to seek employment throughout the Rio Grande Valley at any healthcare system, doctor's office, clinic, outpatient facility, etc., including at DHR.
  - Program open to any adult meeting eligibility requirements.
- **Cost Effective** - HSIR programs are cost effective in relation to other two-year institutions. Other institutions charge a baseline tuition and upon enrollment disclose additional fees and supplies associated with a particular program. The HSIR costs for each program includes tuition, fees and supplies, excluding book costs. The HSIR cost for each program is less than other two-year colleges and other proprietary schools.
- **Training at DHR Health** - HSIR students benefit by training and learning in DHR Health's world-class facilities. Students will receive hands-on training in a real-world environment that will best prepare them for their careers.

Health Sciences Institute at Renaissance (HSIR)

The mission of the Health Sciences Institute at Renaissance (HSIR) is to cultivate learning, advancement, and innovation to meet the healthcare needs of our community. Through education and certificate programs, we provide career opportunities for those interested in entering the health care profession and provide existing health care professionals with opportunities for growth and advancement.

HSIR currently offers six certificate programs in Patient Care Technician, Pharmacy Technician, Phlebotomy Technician, Medical Coding Specialist, Diagnostic Medical Sonography, and Medical Assistant.

HSIR is an approved teaching institution by the Texas Workforce Commission, Career Schools and Colleges.

Top Two Certificate Programs in Demand		
	Medical Assistant	**Diagnostic Medical Sonography**
Program	Medical Assistants assist patients in doctor's offices, clinics, outpatient centers, and hospitals. A Medical Assistant is mainly focused on building close relationships with patients, updating medical records, a variety of front office and administrative duties, perform routine medical tasks, arrange for laboratory and imaging tests, and assisting with medical tasks.	Diagnostic Medical Sonographers operate ultrasound machines to produce dynamic images of tissues, organs, and blood flow inside the body. They work closely with physicians (radiologists), who specialize in interpreting medical images to diagnose diseases or injuries. Diagnostic medical sonographers work in a variety of inpatient and outpatient clinical settings.
Program Length	48 Weeks / 632 hours (3 semesters)	64 Weeks / 1,168 hours (4 semesters)
Tuition Cost	$4,955/student	$7,631/student
Capacity	20 maximum	6 maximum
General Admission Requisites	- High School / GED - 18 years of Age - BLS Certification - Med-Mal Insurance	- High School / GED - 18 years of Age - BLS Certification - Med-Mal Insurance - 2 Year Allied Health Associate Degree
Average Salary	Average Hourly Earnings: $12.07 Average Annual Salary: $25,110	Average Hourly Earnings: $34.90 Average Annual Salary: $72,592

Proposed Partnership with Edinburg Economic Development Corporation and Workforce Solutions for Certificate Program Funding (August 2020 - December 2021)

***Workforce Solutions eligibility**

Trainees will be from any of the 3 counties (Hidalgo, Willacy and Starr counties).

Program	Length	Referred	Immunizations
Medical Assistant	48 weeks (3 semesters Fall, Spring, and Summer)	DHR, EDC and WFS	DHR employees are covered for flu and TB shots
Diagnostic Medical Sonography	64 weeks (4 semesters Fall, Spring, Summer, and Fall)	DHR, EDC and WFS	DHR employees are covered for flu and TB shots

Program	Students	Tuition Cost per		Total Tuition Cost
Medical Assistant	20	$4,955		$99,100
Diagnostic Medical Sonography	6	$7,631		$45,786
Total Cost of Program				$144,886
Funding by Partner Per Student		WFS	EDC	Each student pays
Medical Assistant		$4,500/student	$455/student	Cost of Books Only
Diagnostic Medical Sonography		$4,500/student	$2500/student	$631 plus Cost of Books
Total Proposed Funding by Partner		WFS	EDC	Each student pays
Medical Assistant		$90,000	$9,100	Cost of Books Only
Diagnostic Medical Sonography		$27,000	$15,000	$631 plus Cost of Books
Total		**$117,000**	**24,100**	

Revised 5-12-2020

CONTRACT TRAINING AGREEMENT
South Texas College

This **Contract Training Agreement** ("Agreement") is made and entered into as of the 23rd day of June, 2020 (the "Effective Date") and is by and between **SOUTH TEXAS COLLEGE (STC)**, an Institution of Higher Education authorized by the laws and Constitution of the State of Texas, and **Edinburg Economic Development Corporation**, a public entity.

WHEREAS, the Edinburg Economic Development Corporation requires training and educational services to be provided to a local company, as more fully described in **Attachment "A,"** and STC has the expertise, resources, personnel, and experience required to provide such services;

WHEREAS, this Agreement is of mutual interest and benefit to STC and the Public entity;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the Public entity and STC (sometimes collectively referred to herein as the "Parties") agree as follows:

1. Services and Fees

a. During the term of this Agreement, STC shall provide training services to the Public entity for a local company as set forth in **Attachment "A"** (the "Services") which is incorporated herein by reference. The Services may be modified, reduced or expanded with the advance written consent of the Parties. If there is any conflict between the terms and conditions of the Services described in **Attachment "A"** and those contained in the body of this Agreement, the terms of the Agreement shall control.

b. The Public entity shall pay STC for the Services in accordance with the terms and conditions set forth in **Attachment "A."**

2. STC's Responsibilities and Representations

a. STC represents that all persons connected with STC who are directly in charge of providing the Services are duly registered and/or licensed under the laws, rules and regulations of any authority having jurisdiction, if so required by such laws, rules and regulations.

b. STC represents that to the best of its actual knowledge, as a result of providing the Services, there are no conflicts of interest between the Public entity and any other person or entity for whom STC is providing or has provided training services. If, during the course of this Agreement, STC becomes aware of facts that constitute or may reasonably lead to a conflict of interest, STC shall promptly notify the Public entity.

c. Except as may be expressly set forth in **Attachment "A,"** STC represents that its performance does not depend on the acquisition of rights from any third party and that the conveyance of any deliverables described as part of the Services will not knowingly infringe on the intellectual property rights of any third party.

d. STC shall: i) designate an administrator to oversee and administer STC's performance of the Services; ii) provide one or more qualified trainers, training materials and equipment appropriate for the Services; iii) assume full responsibility for complying with the requirements of the U.S. Copyright Act with respect to any training materials provided by STC in connection with providing the Services; iv) ensure that any facilities that will be used for the Services will be open and ready for use on the date(s) and time(s) specified for the Services, if the Services will take place at STC; and v) provide certificates of completion for the participants who complete the training requirements as outlined in the Services.

3. Company's Responsibilities and Representations

a. The Public entity shall: i) designate a contact person to communicate with STC about any specific requirements of the training program for which the Services are being provided and in connection with general planning and coordination; ii) refrain from copying, reproducing, creating derivative works, publishing, or further distributing any training materials provided by STC; iii) make all required payments to STC within 30 days of receipt of the invoice; and, iv) pay 25% of the total fee to STC if the Public entity cancels the Services within 30 days of the first day on which the Services were to be provided, unless the cancellation is permitted by the terms of this Agreement.

b. If the Public entity fails to make any payment as required by this Agreement, the Company agrees to indemnify STC for all costs and expenses incurred by STC in its efforts to collect all amounts due including, but not limited to, court filing fees, litigation expenses, attorneys' fees, and any bank fees. STC shall be entitled to collect interest on all past due amounts at the rate of 1.5% per month until paid.

4. Default and Termination

a. If a party breaches this Agreement, the other party may, so long as such party has not caused the breach, terminate this Agreement upon ten (10) days written notice describing the details of the breach. The termination shall, however, not be effective if the breach is fully cured prior to the end of the ten-day period.

b. STC may for any reason, or no reason, terminate this Agreement at any time upon giving thirty (30) days advance written notice to the Public entity. If STC terminates this Agreement for convenience, it shall have no liability to the Public entity of any kind other than refunding any sums paid by the Public entity for any services that were not performed.

c. The Public entity acknowledges and agrees that by providing the Services, STC is not making any representation or warranty concerning the Public entity's future performance or success and that STC is not responsible in any way for the operation of the Public entity's business.

d. If STC breaches its obligations under this Agreement, the Public entity's sole and exclusive remedy will be limited to, at STC's option, the correction or replacement of any of the Services or to the repayment of the portion of the compensation paid by the Public entity corresponding to the non-conforming Services. STC shall not be liable to the Public entity for any other damages, either special, direct, indirect, incidental, consequential or otherwise, and in no event shall the liability of STC exceed the total amount paid by the Public entity under this Agreement.

e. Neither party will be liable or responsible to the other for any loss or damage or for any delays or failure to perform due to causes beyond its reasonable control including acts of God, strikes, epidemics, war, riots, flood, fire, sabotage, or any other circumstances of like character.

5. Miscellaneous

a. The relationship created by this Agreement shall be that of independent contractor. Nothing in this Agreement shall be read to make the employees or agents of either party an employee or an agent of the other.

b. This Agreement constitutes all representations, oral and written, of the work to be performed, replaces all previous agreements, and constitutes the entire agreement between the Parties; this Agreement may be modified only in writing, signed by each party, after reasonable notice.

c. The Company agrees that STC may use the Public entity's business name in the promotion of training services.

d. As a public community college of the state of Texas, STC is immune from actions in tort, except those arising from the use of a motor vehicle. Nothing in this Agreement shall be interpreted to constitute a waiver of this immunity by STC or an agreement by the Parties to indemnify or hold each other harmless except as provided for in Section 3.b.

e. This Agreement shall inure to the benefit of and be binding upon the respective heirs, executors, successors, representatives, and assigns of the Parties, as the case may be.

f. STC, as part of an institution of higher education and recipient of federal and state funding, is subject to federal and state civil rights laws and regulations prohibiting it from discriminating on the basis of race, ethnicity, gender, creed, age, disability or Veterans status in any program or activity of STC. This Agreement, and the Services offered pursuant to this Agreement, are subject to the provisions of those laws and regulations, and the Public entity agrees that it will cooperate in any civil rights investigation conducted by STC or any external agency regarding the Services or STC's performance of this Agreement.

g. This Agreement shall be governed by and construed in accordance with the laws of the state of Texas. Each party submits to the exclusive jurisdiction of the courts located in Hidalgo County, Texas for the purpose of any action or proceeding brought by either of them in connection with this Agreement or any alleged breach thereof.

h. Neither party shall assign its rights or obligations hereunder without the prior written consent of the other party. STC shall not subcontract, either directly or indirectly, any of its responsibilities hereunder without the prior written consent of the Public entity.

IN WITNESS WHEREOF, South Texas College and the Public entity have executed and delivered this Agreement as of the date first above written.

(STC) SOUTH TEXAS COLLEGE:

By: ______________________________
Dr. Shirley A. Reed
President

By: ______________________________
Carlos Margo
Associate Dean for ITED

Edinburg Economic Development Corp:

By: ______________________
Name: Ron Garza
Title: Interim Executive Director

Type of Funding: *Federal __; CFDA __; State __; Local _x_; Private _ __*

Upon the execution of this Agreement, please return both copies in the envelope provided for your convenience. When all signatures are obtained, one fully executed original will be returned for your records. Please mail to:

South Texas College
Institute for Advance Manufacturing
3900 W. Military Hwy.
McAllen, Texas 78503

ATTACHMENT A
SERVICES AND COSTS

Cost of Training for Nicho Produce employees located in Edinburg, TX:

Program Title:	Social Distancing and Safety
Course No./Name:	1C3 xxxx
Total No. of Hours:	8 hours
Administrator Responsible:	Leonel Garcia
Company Contact:	Ron Garza
Company Address:	415 West University Dr. Edinburg, TX 78541 956-383-7124
Dates:	June 29, 2020 and July 3, 2020
Time:	8am -12pm
Program Length:	Monday and Friday
Location:	On-Site
Maximum Participants:	84
Tuition:	$21.10 x 8 hrs. x 84 Students = $14,179.20
Processing Fee:	$14,179.20 x 15% = $2,126.88
Total :	**$16,306.08**

Note: (additional students will be charged at the Tuition Rate of $21.10 and the 15% processing fee) The minimum cost for 84 or fewer students will remain at $16,306.08 as the Recovery of Cost in order for STC to complete training.