



CITY OF JAMAICA BEACH

16628 San Luis Pass Road
5264 Jamaica Beach
Jamaica Beach, Texas 77554
PH (409) 737-1142 FAX (409) 737-5211
www.jamaicabeachtx.gov



The City Council of the City of Jamaica Beach, Texas, will conduct a **Regular Meeting** scheduled at **6:00 pm on Thursday, January 25, 2024**, in the City Hall Council Chambers located at 16628 San Luis Pass Road.

To participate remotely:

- Dial **(469) 998-7466 (New Dial In Number)**
- Enter Pin **420 035 972#** and wait to be allowed into the meeting. **(PIN Number Updated Every Meeting)**
- To participate **remotely** in Public Comments, you must sign up by 2:00pm on the day of the meeting. See page 4 for instructions.

1) CALL TO ORDER AND ROLL CALL OF MEMBERS

2) PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

3) INVOCATION, BISHOP STEPHEN CHENEY, CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

4) SPECIAL PRESENTATION

1. None

5) PUBLIC COMMENT

Members of the public are invited to give comments. Anyone will be allowed to speak on any subject other than personnel matters or matters under litigation, for a length of time not to exceed three minutes. No Council / Board discussion or action can take place on non-agenda items until such items are placed on an agenda and posted in accordance with law. (GC, 551.042.)

6) ANNOUNCEMENTS

1. Town Hall Meeting to discuss limiting the number of Short-Term Rentals. 9am. Saturday Jan. 27th @ the JB Fire Station. Please monitor the weather and dress accordingly.
2. The filing deadline for Alderman candidates is February 16, 2024

7) REPORTS FROM DIRECTORS, POLICE, AND FIRE

1. City Administrator Francis - Oral
2. Chief of Police Garivey – None
3. Director of Operations Quintero - None
4. Fire Chief Baden – None

8) CONSENT AGENDA AND APPROVAL OF MINUTES

The following items are considered routine by the City Council and will be enacted by one motion. There will only be a separate discussion on these items if a council member requests and then the item will be removed from the general order of business and considered in its typical sequence on the agenda.

1. Approval of minutes from the Regular City Council meeting on 01-11-2024.

9) **COMMENTS / REPORTS FROM MEMBERS OF COUNCIL**

10) **OLD BUSINESS**

1. **Discussion, consideration, and take action to approve contract for construction of dune walkovers:**

The City received FEMA funding to replace the public beach access dune walkovers. In cooperation with the Texas Department of Emergency Management, and having completed a public procurement process, city staff is recommending authorization of a construction agreement to replace three walkovers.

11) **NEW BUSINESS**

1. **Discussion, consideration, and take action to approve Ordinance 2024-01:**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS; PROVIDING TO HOLD A GENERAL ELECTION TO BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF ELECTING THREE (3) ALDERMAN POSITIONS AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

2. **Discussion, consideration, and take action to approve Ordinance 2024-03:**

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, AUTHORIZING THE SETTING OF AN ELECTION FOR THE IMPOSITION OF A CITY SALES TAX ELECTION PURSUANT TO TEXAS GOVERNMENT CODE, SUBCHAPTER B. IMPOSITION OF SALES AND USE TAXES BY MUNICIPALITIES, sec. 321.101. TAX AUTHORIZED, SETTING THE CITY ELECTION FOR May 4th, 2024 WHEREIN VOTERS WILL BE ASKED TO IMPOSE A TWO PERCENT (2.0%) CITY SALES TAX.

3. **Discussion, consideration, and take action to approve contract with Galveston County for election services.**

This contract is being entered into pursuant to Texas Election Code, Chapter 31, Subchapter D for the purpose of ensuring that Galveston County and the Entity understand the tasks each is to perform in connection with the May 4, 2024, General Election and any subsequent runoff election.

4. **Discussion, consideration, and take action to approve Resolution 2024-01 for Renewal and Optimization of Certificates of Deposit.**

The city has four current Certificates of Deposit that are nearing their maturity date. Authorize the city administrator to identify the combination of maturity date and interest rate that optimizes the city's investment.

5. **Discussion and consideration concerning a proposed city Procurement Policy:**

The acquisition of goods and services should be made in a manner and method which provides for the prudent expenditure of City funds; provides for maximum protection of the taxpayer; prevents waste, conflict of interest, and impropriety; provides for equal access and opportunity in an open and competitive environment to all suppliers, with regard to factors related to quality, cost and availability of the goods and services; and which comply with all applicable federal, state and local laws, rules and regulations.

6. **Discussion and consideration concerning a proposed Code of Ethics & Conduct for Elected and Appointed Officials:**

The citizens of Jamaica Beach are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity. This Code of Ethics and Conduct for Elected and Appointed Officials for members of the City Council and the

City's boards and commissions will help assure public confidence in the integrity of local government and its effective and fair operation.

12) MAYOR'S REPORT

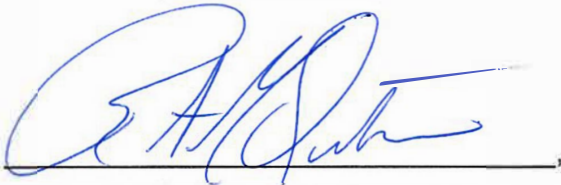
13) EXECUTIVE SESSION

The City Council may convene a public meeting and then recess into closed executive session, to discuss any of the items listed on this agenda, if necessary, and if authorized under chapter 551 of the Texas Government Code. Situations in which a closed executive session may be authorized by law include, without limitation; (1) consulting with the Council's attorney to seek or receive legal advice concerning pending or contemplated litigation, a settlement offer, or any other matter in which the ethical duty of the attorney to the Council clearly conflicts with the general requirement that all meetings be open, §551.071; (2) discussing the purchase, exchange, lease, or value of real property, §551.072; (3) discussing a prospective gift or donation, §551.073; (4) discussing certain personnel matters, §551.074; and (5) discussing security personnel or devices, §551.076.

14) ADJOURN

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of a Meeting was posted on the bulletin board at City Hall, 16628 San Luis Pass Road, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: January 22, 2024, at 6:00 pm and remained so posted continuously for at least 72 hours before said meeting was convened.



Robert M. Quintero - Director of Operations / Interim City Secretary

The City Hall is wheelchair accessible and accessible parking spaces are available. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 409-737-1142, by fax at 409-737-5211, or by email at cityadmin@jamaicabeachtx.gov. Requests should be made at least 48 hours prior to the meeting. This agenda is posted on the city's web site at www.jamaicabeachtx.gov.



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CITY COUNCIL REGULAR MEETING MINUTES

January 11, 2024
6:00 P.M.

CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor Sharon Bower called the meeting to order at 6:00 pm

The following Council Members were present:

*Mayor Sharon Bower
Mayor Pro Tem Gil Madray
Alderman Sherwood Green
Aldерwoman Lorraine Jones
Alderman David Welch*

The following Council Members were absent:

Alderman Russell Rupertus

The following staff were present:

*City Administrator – Kendal Francis
Police Chief – Raymond Garivey
Director of Development – Robert Quintero
Building/STR Clerk – Bailey Clement
Finance Clerk - Ester Abrego
Water Clerk – Tina Sifuentes*

PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

INVOCATION: Robert Quintero

SPECIAL PRESENTATION: None

ANNOUNCEMENTS:

Mayor Bower announced that the Boots and Bling Fundraiser for the Jamaica Beach Rescue Boat will be held on Saturday, January 20, 2024, and encouraged everyone to come out and support the cause. Wednesday, January 17, 2024, Way West Grill will host pie in the face for the most gifts raised for children.

PUBLIC COMMENTS:

Jake Vincent – supports raising the sales tax.

Lisa Mares – wants to know when STR ordinances will be voted on.

Rosita Chausse – wants to know more information about STR revenue and would like the community to get along.

Tracey Herd – would like the opportunity to have the STR number stay with the home transfer to the new owner.

Russell Scavisa – supports the ordinance proposing a limit on STRs.

Adela Knapp – against the ordinance proposing a limit on STRs.

Brandon McDermott – against the STR occupancy ordinance and supports the ordinance proposing a limit on STRs. Would like to disallow call in option.

Kringle – against the ordinance proposing a limit on STRs.

Jeff Wright – against the ordinance proposing a limit on STRs and the STR occupancy ordinance.

Grant Hill – supports raising the sales tax and supports the ordinance proposing a limit on STRs.

Jerry Jackson – supports the ordinance proposing the limit on STRs. Concerned there is not an inspector for building permits.

Kelly Billiot – would like to have a town meeting on STRs.

Ginger Jones – supports the ordinance proposing a limit on STRs and suggests a warning be issued for large amounts of trash.

Patricia Salvo – concerned about the value of her property and would like to enforce existing ordinances. Concerned about the ordinance proposing a limit on STRs.

Diana Cherron – supports the ordinance proposing the limit on STRs.

Monica Allen – against the ordinance proposing a limit on STRs.

Dr. Heather Stevenson – supports the ordinance proposing the limit on STRs.

Aaron Renik – supports the ordinance proposing the limit on STRs.

Kim Gillihan – against the ordinance proposing a limit on STRs.

Dale Hubbert – supports the ordinance proposing a limit on STRs.

Zack Strickland – against the ordinance proposing the limit on STRs.

Diana Barker – against the ordinance proposing a limit on STRs.

Jeffery Biner – against the ordinance proposing a limit on STRs and would like a town hall meeting.

Darren Braun – against the ordinance proposing a limit on STRs.

Andrea Spiering – against the ordinance proposing the limit on STRs. Questioned why the dune walkovers are only on one side and supports a town hall meeting.

REPORTS FROM DIRECTORS, POLICE, AND FIRE:

- **City Administrator, Francis** – Attached / Read Aloud, provided important information on upcoming freeze and how to prepare, and informed audience that staff will not tolerate aggressive and belligerent phone calls. – No Questions
- **Chief of Police, Garivey** – Attached, stated that his report does not include calls on STRs but they are being tracked. – No Questions
- **Director of Operations, Quintero** – Attached / Read Aloud – No Questions
- **Fire Chief, Baden** – None

APPROVAL OF MINUTES:

Mayor Sharon Bower presented the minutes for November 30, 2023, December 14, 2023, and the designation to appoint Galveston Daily News as Jamaica Beach’s official newspaper.

*Motion made by Alderman Welch to **approve**, seconded by Alderwoman Jones*

VOTE

4 AYES (Green, Welch, Jones, Madray)

1 ABSENT (Rupertus)

0 NAYS

0 ABSTAIN

MOTION PASSED

ALDERMAN REPORTS:

Mayor Pro Tem Madray: No report

Alderman Green: No report

Alderwoman Jones: Thank you, Mayor. I recently reported to Susan Wells the founder of Stars for our Troops, that our volunteers and I have shared nearly 6500 stars with our Military, Veterans and 1st Responders. I want to thank everyone for donating their Made in the USA flags that need to be retired and to remind everyone that you can drop your old flags with me at my home, at City Hall, and Jamaica Beach Hardware. A special thank you to Lisa Curson, Ginger Jones and Jerry Jackson and many others for assembling and packaging the stars. Special thanks to Vernon Anderson for transporting the stripes from the flags and honorably retiring them with the VFW. Our many volunteers carry stars with them and share them while they travel.

Alderman Welch: The city needs town hall meetings so ideas can be respectfully discussed.

NEW BUSINESS:

1. Discussion, consideration, and take action to approve Ordinance 2024-02:

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, REPEALING ALL PREVIOUS MINOR CURFEW ORDINANCES THAT ARE IN CONFLICT WITH THE STATE OF TEXAS HOUSE BILL 1819 THAT BANS LOCAL GOVERNMENTS FROM ENFORCING CURFEWS FOR MINORS

Mayor Bower read the above caption and there was no discussion.

*Motion made by Alderwoman Jones to **approve**, seconded by Mayor Pro Tem Madray*

VOTE

4 AYES (Green, Welch, Jones, Madray)

1 ABSENT (Rupertus)

0 NAYS

0 ABSTAIN

MOTION PASSED

2. Discussion, consideration, and take action to approve contract for construction of dune walkovers:

The City received FEMA funding to replace the public beach access dune walkovers. In cooperation with the Texas Department of Emergency Management, and having completed a public procurement process, city staff is recommending authorization of a construction agreement to replace three walkovers.

Mayor Bower read the above caption and Mr. Quintero stated he had not yet received the necessary information from FEMA to move forward with this project at this time.

*Motion made by Alderman Green to **table until the next meeting**, seconded by*

Alderman Welch

VOTE

4 AYES (Green, Welch, Jones, Madray)

1 ABSENT (Rupertus)

0 NAYS

0 ABSTAIN

MOTION PASSED

3. Discussion and consideration concerning increasing the City's General Sales Tax 1%:

The sales tax for general revenue is a tax that may be levied by a city on all taxable items sold in the city. The revenue from the tax may be spent on almost any lawful purpose of the city. A city is authorized to hold an election to impose its general sales tax as any rate that is an increment of at least 1/8th of 1% and that would not result in a combined rate that exceeded the maximum local sales and use tax rate of 2%.

Mayor Bower read the above caption and stated this is to include the increase on the ballot for election. Will bring forward for vote at the next meeting.

*Motion made by Alderman Green to **discuss**, seconded by Alderman Welch*

4. Discussion and consideration concerning establishing the maximum allowable number of short-term rental units:

Short term rentals are inconsistent with the residential character of the City's existing single-family residential neighborhoods and have many of the undesirable characteristics of a commercial hotel or motel, including increased traffic and noise. Therefore, in an effort to preserve the city's high quality residential neighborhood and protect the neighborhood from the negative effects of short-term rental activity, I am proposing a permanent limit to the number of short-term rentals in Jamaica Beach.

Mayor Bower read the above caption and stated she would like to hold a town hall meeting. She will draft another proposed ordinance that will be discussed at the proposed town hall meeting on January 27, 2024

*Motion made by Mayor Pro Tem Madray to **discuss**, seconded by Alderwoman Jones*

MAYOR'S REPORT:

Thank you for everyone being engaged and participating, it helps the city. Appreciates all current STR owners submitting applications. Bailey has been working hard and there are a few snags with STR numbers that are being worked on. The revenue for STRs has been lowered to \$600,000 because the city is not seeing as many visitors as during COVID. \$65,000 of current STR funds will remain encumbered and are limited to what it can be spent on. \$2.1 million encumbered STR funds are in the bank that the state will not allow the city to spend. I am going to be meeting with state legislatures to ask for a special dispensation to spend STR funds, though the state will limit what we can spend on. We are looking at the data and looking at the historical funds that have not been collected, as well as funds we cannot spend coming in. With proper management of fewer numbers, we will increase revenue, according to predicting software tells us. Running numbers on 130 – 150 STRs, which is the goal in 10-20 years, we will generate more money than we do today. Mr. Francis and I will work on numbers to provide during the town hall meeting. City Hall will be open until 5:00 pm on Friday, January 12, 2024, for the STR application deadline. May 4th will be the election and there are 3 open seats for the council, with a deadline of February 16th to submit your name for the ballot. Application packets will be available at City Hall next week.

EXECUTIVE SESSION: None

ADJOURNMENT:

Motion made by Alderman Welch to **adjourn**, seconded by Alderman Green. Meeting adjourned at 7:44 p.m.



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	January 25, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Election Authorization	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PURPOSE	To authorize holding a General Election on May 4, 2024	
BACKGROUND	State law requires local governments to pass an ordinance to authorize holding an election. This ordinance authorizes holding a general election on May 4, 2024 to elect 3 Aldermen positions	
TEAM RECOMMENDATION	Approve the ordinance	
REFERENCE DOCUMENTS ATTACHED	Ordinance 2024-0	

CITY OF JAMAICA BEACH
ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS; PROVIDING TO HOLD A GENERAL ELECTION TO BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF ELECTING THREE (3) ALDERMAN POSITIONS AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS the laws of the State of Texas provides that on May 4, 2024, there shall be elected three (3) Alderman-at-large positions, each for two-year terms for the City of Jamaica Beach, Texas; and, WHEREAS the laws of the State of Texas further provided that the Election Code of the State of Texas is applicable to said election, and in order to comply with such Code, an Ordinance and Order shall be passed establishing procedures to be followed in said election and designating the voting peace for said election; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMAICA BEACH, TEXAS:

Section 1. In accordance with the General Laws and Constitution of the State of Texas, a General Municipal Election is hereby called for and ordered for the (1st) Saturday in May 2024, the same being the 4th day of said month, at which election all qualified voters of the City of Jamaica Beach, Texas (the "City") may vote for the purpose of electing the following officials for the city:

Alderman At-Large
Alderman At-Large
Alderman At-Large

Section 2. No persons' name shall be placed upon the official ballot as a candidate for any of the above-mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031 of the Texas Election Code, with the City Secretary of the City at the City Offices, located at 16628 San Luis Pass Road, Jamaica Beach, Texas 77554, not later than 5:00 p.m. on the 78th. day before the date of such election (February 15, 2024). The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking and, if applicable, the position number of such position.

Section 3. The order in which the names of the candidates are to be placed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094* Texas Election Code. The City Secretary shall post a notice of the date, hour, and place of the drawing. Such notice shall remain posted continuously for 72 hours immediately preceding the scheduled drawing. Each candidate involved in the drawing, or a representative designated by him or her, shall have a right to be present and observe the drawing.

Section 4. All residents, qualified electors of the City shall be eligible to vote at the Election.

City of Jamaica Beach

Ordinance No. 2024-01

Section 5. The City, pursuant to the applicable provisions of the Code, will conduct a joint election with other political subdivisions within Galveston County and contract with Galveston County for election services. This joint election shall be conducted pursuant to the terms of the Contract for Election Services (the "Election Contract") between Galveston County, Texas, and the City of Jamaica Beach,

Section 6. The voting locations for voting on Election Day shall be the Galveston County county-wide vote center polling locations as set forth in Exhibit A, or at such other locations as hereafter may be designated by the Galveston County Clerk (the "County Clerk") in accordance with the Contract for Election Services. The City Secretary is hereby authorized to update Exhibit A to reflect the final locations designated by the County Clerk, with locations are hereby adopted and approved. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Section 7. Dwight S. Sullivan, the Galveston County Clerk is appointed as the Early Voting Clerk for the Election. Applications for ballot by mail shall be submitted as follows: Dwight D. Sullivan; Early Voting Clerk; County of Galveston; P.O. Box 17253; Galveston, Texas 77552-7253. If mailing by common contract carrier, applications for ballot by mail should be submitted to: Dwight D. Sullivan, Galveston County Clerk; 600 59th Street, Suite 2001; Galveston, Texas 77551-4180. Applications for ballot by mail must be received no later than the close of business on April 25, 2023.

The early voting polling places shall be designated in Exhibit B, which is attached hereto and incorporated herein for all purposes. Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth in Exhibit B, or at such other locations as hereafter may be designated by the County Clerk as provided in the Contract for Election Services, The City Secretary or designee is here by authorized to update Exhibit B to reflect the final locations designated by the County Clerk, and such locations are hereby approved.

Section 8. The election judges, alternate judges, clerks, members of the early voting ballot board, the central counting station officials, and other personnel necessary for conducting the Election shall be appointed, election judges and alternate judges may be changed, polling places may be combined for some precincts, and the central counting station shall be established and staffed by Galveston County as provided in the Election Services Agreement and such action are hereby approved* Further, the City Council hereby authorizes the City Secretary to appoint any such other officials not designated herein or appointed pursuant to the Contract for Elections Services as are necessary and appropriate to conduct the Election in accordance with the Code. The central counting stations to receive and tabulate votes shall be at the locations designated by Galveston County.

Section 9. The candidate receiving the highest number of votes in each of the positions to be filled at such election shall be declared elected to such position.

Section 10. Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said code. The mayor shall issue all necessary orders and writs for such election and returns of such election Shali be made to the City Secretary immediately after closing of the polls.

Section 11. Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

ORDER OF ELECTION
ORDEN DE ELECCIÓN

An election is hereby ordered to be held on May 4, 2024, for the purpose of voting in a City Officers General Election to elect three (3) Alderman for two year terms

Por la presente se ordena que se llevará a cabo una elección el 04 de Mayo de 2024 con el propósito de: tres (3) conceales, periodo de dos años.

Early voting by personal appearance will be conducted each weekday at:
La votación en adelantada en persona se llevará a cabo de lunes a viernes en

Galveston County Justice Center, 2nd Floor
600 59th Street
Galveston, Texas 77550

between the hours of 8:00AM to 5:00PM on April 22-26, 2024 and 7:00AM to 7:00PM on April 29 & 30th, 2024.

entre las horas de 8:00 a 5:00 en 22-26 de Abril de 2024 y 7:00 a 7:00 en 29 y 30 de Abril de 2024.

Applications for ballot by mail shall be mailed to:

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

By Mail: Attn: Ballots by Mail
C/O Dwight Sullivan
Galveston County
Clerk
P. O. Box 17253
Galveston, TX 77552-7253

By Fax: (409) 765-3249 (Please put "Attn: Ballots by Mail" on the cover sheet)

By Email: absenteebqgcappligations@co.galveston.tx.us

(Please visit the Galveston County Election Division's website for more information:

<http://www.galvestonvotes.org/Resources/Ballots By Mail FAQ.html>)

Applications for ballots by mail must be received no later than close of business on: April 23 2024.

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de las horas de negocio el 25 de Abril de 2024

Issued this the 25th day of January 2024.

Emitida este día 25 de enero de 2024

Signature of Presiding Officer
Firma del Oficial que Preside

PASSED, APPROVED AND ADOPTED this the 25th day of January 2024.

ATTESTED:

Sharon Bower, Mayor

Robert M. Quintero, City Secretary



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	January 25, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Sales Tax Ballot Question	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	To authorize placing a question on the May ballot to raise the city's General Revenue Sales & Use Tax	
BACKGROUND	<p>Approving this item would place a question on the May General Election ballot whether to raise the General Revenue Sales & Use Tax 1%.</p> <p>The sales tax for general revenue is a tax that may be levied by a city on all taxable items sold in the city. The revenue from the tax may be spent on almost any lawful purpose of the city.</p> <p>If approved, the tax would take effect on the first day of the month following the expiration of the calendar quarter occurring after the date on which the comptroller receives the ordinance or resolution from the city.</p>	
TEAM RECOMMENDATION	Approve the ordinance	
REFERENCE DOCUMENTS ATTACHED	Draft Ordinance	

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF JAMAICA BEACH, TEXAS, CALLING A SPECIAL ELECTION ON MAY 4, 2024, TO SUBMIT A BALLOT PROPOSITION TO THE QUALIFIED VOTERS OF THE CITY TO INCREASE THE GENERAL REVENUE SALES AND USE TAX PURSUANT TO CHAPTER 321 OF THE TEXAS TAX CODE BY ONE PERCENT (1%) FOR A TOTAL OF TWO PERCENT (2%); PROVIDING FOR PROPOSITION LANGUAGE; AND PROVIDING FOR ELECTION PROCEDURES.

WHEREAS, the City of Jamaica Beach, Texas, (the “City”) has the legal authority to impose a sales and use tax within the City pursuant to Chapter 321 of the Texas Tax Code; and

WHEREAS, pursuant to Section 321.101(f) of the Texas Tax Code, the City is authorized to impose a general revenue sales and use tax rate that, when combined with all local taxing authority rates, does not to exceed two percent (2%); and

WHEREAS, the current general revenue sales and use tax rate within the City is one percent (1%); and

WHEREAS, the City Council has determined that an election should be held on the question of increasing the City’s general revenue sales and use tax from one percent (1%) to two percent (2%) for a total increase of one percent (1%) conditioned upon a majority of qualified voters voting “FOR” the one percent (1%) increase; and

WHEREAS, the City approves and agrees to conducting the election jointly with other political entities in accordance with Chapter 271 of the Texas Elections Code and is making provision to contract with Galveston County for the election, pursuant to Chapter 31 of the Texas Elections Code and Chapter 791 of the Texas Government Code; and

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

SECTION 1. The findings set forth above are true and correct and are incorporated into this Ordinance as if fully set forth herein.

SECTION 2. A special election of the City of Jamaica Beach, Texas is hereby ordered and will be held within the City on the 4th day of May 2024, between the hours of 7 a.m. and 7 p.m. to consider the ballot proposition as prescribed by Chapter 321 of the Texas Tax Code for the purpose of increasing the general revenue sales and use tax in the City of Jamaica Beach by one percent (1%) to a total of two percent (2%)

SECTION 3. The official ballots for said election shall be prepared in accordance with the Texas Election Code and Texas Tax Code so as to permit all eligible voters of the City to vote

“FOR” or “AGAINST” the proposition, with the ballots to contain such provisions, marking and language as required by law and with such provisions to be expressed substantially as follows:

PROPOSITION NO. 1

The adoption of a one percent (1%) increase of the general revenue sales and use tax in the City of Jamaica Beach for a total of two percent (2%).

_____ FOR _____ AGAINST

SECTION 4. The voting locations for voting on Election Day shall be the Galveston County county-wide vote center polling locations as set forth in Exhibit A, or at such other locations as hereafter may be designated by the Galveston County Clerk (the "County Clerk") in accordance with the Contract for Election Services. The City Secretary is hereby authorized to update Exhibit A to reflect the final locations designated by the County Clerk, with locations are hereby adopted and approved. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

SECTION 5. Dwight S. Sullivan, the Galveston County Clerk is appointed as the Early Voting Clerk for the Election. Applications for ballot by mail shall be submitted as follows: Dwight D. Sullivan; Early Voting Clerk; County of Galveston; P.O. Box 17253; Galveston, Texas 77552-7253. If mailing by common contract carrier, applications for ballot by mail should be submitted to: Dwight D. Sullivan, Galveston County Clerk; 600 59th Street, Suite 2001; Galveston, Texas 77551-4180. Applications for ballot by mail must be received no later than the close of business on April 25, 2023.

The early voting polling places shall be designated in Exhibit B, which is attached hereto and incorporated herein for all purposes. Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth in Exhibit B, or at such other locations as hereafter may be designated by the County Clerk as provided in the Contract for Election Services, The City Secretary or designee is here by authorized to update Exhibit B to reflect the final locations designated by the County Clerk, and such locations are hereby approved.

SECTION 6. The election judges, alternate judges, clerks, members of the early voting ballot board, the central counting station officials, and other personnel necessary for conducting the Election shall be appointed, election judges and alternate judges may be changed, polling places may be combined for some precincts, and the

central counting station shall be established and staffed by Galveston County as provided in the Election Services

Agreement and such action are hereby approved* Further, the City Council hereby authorizes the City Secretary to appoint any such other officials not designated herein or appointed pursuant to the Contract for Elections Services as are necessary and appropriate to conduct the Election in accordance with the Code. The central counting stations to receive and tabulate votes shall be at the locations designated by Galveston County.

SECTION 7. The candidate receiving the highest number of votes in each of the positions to be filled at such election shall be declared elected to such position.

SECTION 8. Notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said code. The mayor shall issue all necessary orders and writs for such election and returns of such election shall be made to the City Secretary immediately after closing of the polls.

SECTION 9. Said election shall be held in accordance with the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

DULY PASSED and approved by the City Council of the City of Jamaica Beach, Texas, on the 25th day of January 2024.

Sharon Bower, Mayor

ATTEST:

Robert M. Quintero, City Secretary



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	January 25, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Election Services Contract	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	TBD (<\$5,000)
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PURPOSE	To authorize a contract with Galveston County to conduct election services	
BACKGROUND	<p>This contract is being entered into pursuant to Texas Election Code, Chapter 31, Subchapter D for the purpose of ensuring that Galveston County and the City of Jamaica Beach understand the tasks each is to perform in connection with the May 7, 2024, General Election and any subsequent runoff election.</p> <p>There is a fee associated with this contract. However, as there are several variables that affect the cost, the total is yet to be determined. Section 5 of the contract explains the Fee Schedule.</p>	
TEAM RECOMMENDATION	Approve the contract	
REFERENCE DOCUMENTS ATTACHED	Contract	

Contract for Election Services
Local Entity Countywide Vote Center Elections

This Contract is made and entered into this ____ day of _____, 20__ by and between Hon. Dwight D. Sullivan, County Clerk and County Election Officer for Galveston County (herein known as "Galveston County") and Sharon Bower, Mayor on behalf of City of Jamaica Beach, Texas ("Entity").

This Contract is being entered into pursuant to Texas Election Code, Chapter 31, Subchapter D for the purpose of ensuring that Galveston County and the Entity understand the tasks each is to perform in connection with the following election and any subsequent runoff election, to-wit:

Purpose of Election: General Election & General Use Sales Tax

May 4, 2024
Election Date

June 15, 2024
Runoff Election Date

Early Voting will be held on **April 22, 2024 through April 26, 2024** from 8 a.m. to 5 p.m., **April 29, 2024 and April 30, 2024** from 7 a.m. to 7 p.m. On Election Day, the polls will be open from 7 a.m. to 7 p.m.

1. Duties and Services of Galveston County. Galveston County shall be responsible for performing the following duties and furnishing the following services and equipment in connection with the election and any subsequent runoff election.

- 1.1. Program, or arrange to have programmed, the ballot.
- 1.2. Arrange to have published the legal notices of the first test of the electronic tabulating equipment as provided in Texas Election Code §127.096 and conduct all required tests of the electronic tabulating equipment under Texas Election Code §§127.096-127.098 and §§129.021-129.023. The first test shall be conducted at least five days prior to the election where possible. In addition, it will be performed during normal business hours and open to the public.
- 1.3. Provide all election services, as required by law, for all portions of Galveston County.
- 1.4. Provide technical and equipment support for the electronic poll pads, voting machines and equipment being provided to the Entity. In the event there is an equipment failure Galveston County shall try to remedy the problem over the phone. If unable to do so, will dispatch to locations within Galveston County the appropriate technical support personnel and equipment to correct the failure.
- 1.5. On behalf of the Entity, obtain Official Voter Registration lists from the Voter Registrar to be used during Early Voting and on Election Day.
[See Section 2.3 below]

- 1.6. Provide Ballot by Mail services for the Entity.
- 1.7. Hire Judges, Alternate Judges, and clerks to serve as election workers at the various polling locations. Workers will be paid in accordance with Section 5 of this contract and will be required to complete election training (at the discretion of the Elections Division) as a prerequisite for serving. Workers will be paid for attending training.
- 1.8. Select the countywide vote center polling locations in coordination and assistance with the Entity and with the approval of Galveston County Commissioners' Court. Entity will be required to provide voting locations as may be needed within their jurisdiction. Polling locations must be in compliance with Chapter 43 of the Texas Election Code.
- 1.9. Provide the Entity **and where possible the candidates running for office*, a sample ballot for them to proof and approve or provide corrections.
[See sections 2.6 and 2.7 for related information]

***The Entity will be responsible for providing Galveston County with the email and contact information for each candidate who will be on the ballot.**
- 1.10 As required by §67.017(b) and the Secretary of State's Office, Galveston County will provide all reports needed to the Entity so they can submit precinct-by-precinct reports no later than the 30th day after Election Day.

For additional Duties of Galveston County see section **(5) Fee Schedule of Galveston County** below.

2. Duties and Services of the Entity. The Entity will be responsible for performing the duties and services set forth in this section and will consummate this contract **on or before January 31, 2024**. Contracts submitted after this date will require a \$500 fee, which **will be non-refundable regardless of whether the Entity cancels its election.**

- 2.1. Prepare and submit any required submissions to the U.S. Department of Justice under the Federal Voting Rights Act of 1965 for its election and runoff election.
- 2.2. Publish notices of the election in accordance with Section 4.003(a) of the Texas Election Code.
- 2.3. Provide Galveston County with the Entity's requirements for Official Voter Registration lists for early voting and Election Day.
- 2.4. In accordance with Texas Election Code §4.008 as amended, deliver written notice of the election to Galveston County.
- 2.5 It is understood that the Entity may need to modify its election order after **March 15, 2024**, to reflect the actual early voting and Election Day polling locations once the final determination has been made as to which entities will actually be holding an election.

If the Entity wishes to select additional polling locations within its footprint, it will submit a list and the contact information for each facility to Galveston County by **February 20, 2024**. Regardless of who selects the polling locations the Entity shall comply with Texas Election Code §43.062, and shall notify prospective voters of the new location by placing a notice at the old polling location and a notice at the new polling location.

[See Section 1.7 for additional information on the selection of countywide polling places]

2.5. Provide to Galveston County the language for any ballot propositions, the names of election contests, the names of candidates, as they are to appear on the ballot, a copy of a sample ballot, ballot draw information and a completed "Requirements to Program the Ballot" form. These materials will be provided in an electronic form to Galveston County by **no later than February 21, 2024**. All language on the ballot must be provided in both English and Spanish in a MS Word format. Any other languages required by law, must also be provided in a MS Word format as well (e.g., Harris County, Chinese and Vietnamese). In addition, the Entity will collect and provide to Galveston County the names, addresses, phone numbers and email addresses of all the candidates who are to appear on its ballot. This information will be used to send candidates copies of the ballot proofs for their review. ***[See Section 1.8]***

2.6. Return to Galveston County, by **March 15, 2024 5 p.m.**, confirmation that the sample ballots Galveston County has prepared and provided to the Entity are satisfactory or provide changes that need to be made. Galveston County intends to conduct the L&A test on the Entity's ballot no later than **March 19, 2024**.

The Entity shall have a representative present during the testing who will sign an affidavit signifying the ballot proofs are accurate and acceptable to the Entity. If unable to attend, a representative may send a signed electronic response approving the ballot. ***[See Section 1.8 for related information on ballot proofing]***

2.7. Galveston County will be conducting elections for numerous Entities on the same day. The parties understand that each election has its own challenges and requirements and that failure to provide the information outlined in Section 2 of this contract by the dates specified will place an undue burden on Galveston County that may hinder the ability to provide the services to the Entity in a timely and accurate manner. **Should the Entity miss the deadlines, and/or fail to notify the County of any special circumstances (e.g., adding portions of another county to their election, additional languages required, or unopposed candidates on the ballot) there may be additional charges incurred, up to \$1,000.00 and additional labor and material costs, to be determined by the Chief Deputy of Elections. Should Galveston County be unable to provide the services in a timely and accurate manner the Entity, to the extent allowed under the Constitution and Laws of the State of Texas, shall hold Galveston County and employees harmless from any election errors and corresponding liability and/or damages that may result, including but not limited to the costs incurred related to an election contest and/or the need to conduct a subsequent election.**

2.8. Unless otherwise stipulated, Galveston County will transport or have the Presiding Election Judges transport on its behalf, the voting machines and equipment to and from the Entity's early voting and Election Day voting locations.

- 2.9. Monitor, with the assistance of Galveston County, the overall conduct of its election in Entity's jurisdiction including the observation of the tabulating of the results.
- 2.10. Entity to pay a **\$125** fee per early voting and Election Day polling locations within its jurisdiction for additional support staff to provide the Entity and its Judges election support services throughout the term of this contract.
- 3. Cancellation of Contract:** Except for contracts consummated after **January 31, 2024**, the Entity may cancel this contract without incurring any expenses by notifying Galveston County of its intention to cancel by no later than two (2) business days after its candidates' filing deadline of **February 16, 2024**. The Entity will be obligated to pay Galveston County a **\$500** fee if cancelled after this grace period.
- 4. Special Provision: Bilingual Poll Worker Requirements.** Galveston County is permanently committed to:
- a) Provide in Spanish "any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots," that they provide in English as required by Section 4(f)(4) of the Voting Rights Act, 43 U.S.C. 1973b(f)(4); and
 - b) Ensure that poll workers provide and receive adequate training regarding (1) the use of providing provisional ballots under Section 302(a) of HAVA; and (2) the display of all HAVA-required signs under Section 302(b) of HAVA.
- 5. Fee Schedule of Galveston County:** Galveston County agrees to perform these services at the following rates:
- a) Provide to the Election Judges all necessary election supplies, which are to be returned to Galveston County after the polls close on Election Night.
Cost: \$100 per kit
 - b) Arrange for staff to receive the supplies and equipment being returned by the Election Judges on Election Night.
Cost: Overtime for staff and part time workers hired to provide this service will be evenly split between the entities contracting with Galveston County.
 - c) Provide all necessary voting machines and equipment for use at early voting and Election Day locations.
Cost: \$465 per Verity Duo, \$506 per Verity Controller, \$577 per Verity Duo with access, \$610 per Verity Scanner and \$150 per Verity Duo Go.
 - d) Transport the voting machines and equipment to and from the voting locations.
Cost: \$200 delivery per location
 - e) Program the ballot and conduct the Logic and Accuracy Testing of the counting equipment.
Cost determined by the number of contests on the ballot: \$1500 for up to 5, \$2530 for up to 10, \$3,300 for up to 20, \$4,180 for up to 40 and \$5280 for up to 75, and \$6720 for up to 100 contests.
 - f) Provide a central counting station, supplies, equipment and the tabulating and supervisory personnel needed to tabulate. Prepare the unofficial tabulation results and unofficial/official canvass report.

Cost: \$1000 for use of the equipment plus overtime for county employees doing the tabulation if applicable.

- g) Assist the Entity in the general overall supervision of the election and any subsequent runoff election.
Cost: Included in the 10% election fee
- h) Conduct early voting and Election Day Voting training.
Cost: \$75 per person per class
- i) Two or more electronic **poll pads** will be deployed (at the discretion of the Elections Division) to each polling location.
Cost: \$100 per poll pad
- j) Galveston County will partner with the Entities to determine the polling locations within their jurisdictions.
- k) Hire judges, alternate judges, and clerks that are trained by Galveston County and are registered voters from within one of the jurisdictions holding an election.
Cost: Total amount reimbursable by the Entity.
- l) Elections Mobile App: Entities contracting elections with Galveston County will have their election information included on the Elections Mobile App.
Cost: up to \$500.
- m) The cost for all printed ballots (ballots by mail, sample ballots and test ballots) is **\$.50** per sheet.
- n) Ballots by Mail: Galveston County will provide ballot by mail processing services to the Entity. **The cost for this service is \$4.00 per ballot (\$4.50, if a multi-page ballot).**
- o) The Entity may have an observer present during the tabulation of the votes. The name and contact information of the observer must be provided to and approved by the Presiding Judge of the Central Count Station on the form prescribed by the Texas Secretary of State upon arrival at the location.

6. Compensation, Billing, and Payment. In accordance with Section 31.100(d) of the Texas Election Code, the Entity will pay Galveston County the greater of Seventy-Five (\$75.00) Dollars or ten percent (10%) of the total amount of this contract for general supervision of the election. Pursuant to Texas Election Code §31.098, Galveston County may contract with third persons for election services and supplies agreed to herein and the Entity hereby agrees to pay for these third-party costs when invoiced by Galveston County.

Galveston County will invoice the Entity for services rendered under this contract. The Entity will make payment to Galveston County in accordance with the terms and provisions of what is commonly referred to as the Texas Prompt Payment Act.

7. Voting System. The Hart Intercivic Verity Duo equipment as approved by the Texas Secretary of State will be the voting system used in providing services under this contract.

8. Authorized Representatives. Galveston County's authorized representative for all purposes of this contract is its Chief Deputy Clerk for Elections.

The Entity's authorized representative for all purposes of this contract is:

Kendal Francis, City Administrator
Name

(409) 737-1142
Phone #

9. General Provisions. As specified in Texas Election Code §31.096 this contract may not change:

- a) The authority with whom applications of candidates for a place on a ballot are filed;
- b) The authority with whom documents are filed under Texas Election Code S251.001 et. seq.; or
- c) The authority to serve as custodian of voted ballots or other election records.

As set forth in Texas Election Code §31.099 not later than the 10th day after the date this contract is executed Galveston County shall file a copy of this contract with the County Treasurer and the County Auditor.

10. WAIVER OF DAMAGES. The parties acknowledge that the Hart Intercivic Verity Duo System and the programming of paper ballots is highly technical and that it is conceivable that despite the efforts of Galveston County it might fail during an election or might contain errors. The Entity agrees that should the electronic voting system fail, it will not make any claim against Galveston County or any of their full or part-time employees, independent contractors or agents for damages of any kind, including but not limited to any and all costs relating to an election contest and/or costs and damages incurred for having to conduct a second election caused as a result of such failure or error.

The Entity acknowledges that holding multiple simultaneous elections presents logistical problems and other problems over and above a single election. Galveston County and its employees and agents will attempt to help ensure that these simultaneous elections are conducted without error or mishap, but on occasion, errors or mishaps do occur. Accordingly, the Entity agrees that should an error or mishap occur that it will not make any claim against Galveston County, or their full or part-time employees, independent contractors or agents for damages of any kind including but not limited to any and all costs relating to an election contest and/or costs and damages incurred by the Entity for having to conduct a second election, as a result of such error or mishap.

If legal action is filed against the Entity involving its election and if Galveston County is named as a party to this legal action and the complaint is based solely on allegations made against the Entity, the Entity shall be solely responsible for all costs and defense of that suit. In addition, the Entity shall be required to provide adequate legal counsel for Galveston County and, upon notice to the Entity, Galveston County shall be entitled to settle such claim or legal action upon terms it deems most advantageous to itself.

For purposes of implementing this contract, Galveston County and the Entity designate the following individuals to submit and/or receive information or notices to Galveston County or the Entity:

Galveston County:

Dwight D. Sullivan, County Clerk
Attention: Wendi Fragoso, Chief Deputy of Elections
Galveston County Justice Center
600 59th Street, Suite 2001
Galveston, TX 77551-4180

P.O. Box 17253
Galveston, Texas 77552-7253
409-770-5108
Email: Wendi.Fragoso@co.galveston.tx.us

Entity:

Kendal Francis, City Administrator

5264 Jamaica Beach

Phone: (409) 737-1142

Jamaica Beach, TX 77554

Email: kfrancis@jamaicabeachtx.gov

This contract will be submitted to the Galveston County Commissioners' Court to be placed on the Consent Agenda as a Receive and File Item.

11. Galveston County Title VI Assurance Clause. Galveston County is committed to ensuring that no person, on the ground of race, color, national origin, religion, sex, age, disability or Veteran status, shall be subjected to discrimination, excluded from participation, or denied the benefits of, its programs and activities.

In accordance with this policy Galveston County requires its service providers and contractors to agree that during the performance of this contract the service provider or contractor for itself, its assignees and successors will abide by the following:

Compliance with Non-Discrimination Laws and Regulations. During the performance of this contract, contractor, for itself, its assignees and successors in interest (hereinafter referred to as "contractor") agrees as follows:

- 1) **Compliance with Regulations.** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, DOT) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated herein by reference and made a part of this contract.
- 2) **Nondiscrimination.** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the basis of race, color, national origin, religion, sex, age, disability or Veteran status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

- 3) **Solicitations for Subcontractors, Including Procurement of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, religion, sex, age, disability or Veteran status.
- 4) **Information and Reports.** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Galveston County or the Texas Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to Galveston County or the Texas Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) **Sanctions for Noncompliance.** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Galveston County shall impose such contract sanctions as it or the Texas Department of Transportation may determine to be appropriate, including, but not limited to:
 - a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b) cancellation, termination, or suspension of the contract, in whole or in part.
- 6) **Incorporation of Provisions.** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as Galveston County or the Texas Department of Transportation may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Galveston County to enter into such litigation to protect the interests of Galveston County, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Executed this _____ day of _____, 2024.

Galveston County:

Dwight D. Sullivan
County Clerk

Entity:

Name: _____
(Please Print)

(Signature)

- City Manager
- Superintendent
- City Secretary
- Chair County Executive Committee
- Mayor
- President
- Other

Received and Filed:
Galveston County

Hon. Mark Henry
County Judge
Attest:

Dwight D. Sullivan
County Clerk

Date: _____

Date Copy of Agreement Furnished
to County Treasurer: _____

Date Copy of Agreement Furnished
to County Auditor: _____



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	January 25, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Certificates of Deposit Optimization	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	To authorize the city administrator to optimize the investment of four active CDs.	
BACKGROUND	<p>The city has four current Certificates of Deposit that are nearing their maturity date.</p> <ul style="list-style-type: none"> • Account ending 1950 maturing 02/19/2024 • Account ending 1968 maturing 02/19/2024 • Account ending 1976 maturing 02/19/2024 • Account ending 2215 maturing 02/28/2024 <p>Opportunities likely exist to better maximize the return on the investments. Staff recommends authorizing the city administrator to work with Texas First Bank to identify the combination of maturity date and interest rate that optimizes the city's investment and to take the necessary steps to make that investment.</p>	
TEAM RECOMMENDATION	Approve the resolution	
REFERENCE DOCUMENTS ATTACHED	Resolution 2024-01	



CITY OF JAMAICA BEACH

16628 San Luis Pass Road * 5264 Jamaica Beach
Jamaica Beach, Texas 77554
PH (409) 737-1142 FAX (409) 737-5211
www.jamaicabeachtx.gov



RESOLUTION NO: 2024-01 CITY OF JAMAICA BEACH

Resolution to Optimize the Maturity Period and Rate of Return for Four Certificates of Deposits

WHEREAS, the City Council of Jamaica Beach recognizes the importance of providing residents of the City with the maximum rate of return on Certificates of Deposits (CDs); and

WHEREAS, four (4) current Certificates of Deposit (CDs) offered by Texas First Bank are set to mature; and

WHEREAS, opportunities may exist that will yield higher interest rates and provide a higher rate of return on the investment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Jamaica Beach that:

The city administrator shall be authorized to take the necessary and appropriate steps to optimize the maturity period and rate of return for the following four (4) Certificates of Deposit (CDs) offered by Texas First Bank

- Account ending 1950 maturing 02/19/2024
 - Account ending 1968 maturing 02/19/2024
 - Account ending 1976 maturing 02/19/2024
 - Account ending 2215 maturing 02/28/2024
1. The city administrator shall work in collaboration with Texas First Bank to facilitate the optimized investment strategy for these four CDs.
 2. The City Secretary shall provide a copy of this resolution to Texas First Bank and publish as part of the City Council meeting minutes to ensure transparency and awareness.
 3. This resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED by the City Council of the City of Jamaica Beach, TX, this 25th day of January 2024.

Sharon Bower, Mayor

ATTEST:

Robert M. Quintero, City Secretary



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	January 25, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Procurement Policy Discussion	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	Discussion of a proposed city procurement policy	
BACKGROUND	<p>The acquisition of goods and services should be made in a manner and method which provides for the prudent expenditure of City funds; provides for maximum protection of the taxpayer; prevents waste, conflict of interest, and impropriety; provides for equal access and opportunity in an open and competitive environment to all suppliers, with regard to factors related to quality, cost and availability of the goods and services; and which comply with all applicable federal, state and local laws, rules and regulations.</p> <p>As such, I have drafted a policy to define procurement procedures for each city department to follow based on the type of good or service being acquired. Additionally, it specifies the spending authority for all staff members.</p>	
TEAM RECOMMENDATION		
REFERENCE DOCUMENTS ATTACHED	Draft Policy	



SUBJECT	ISSUED BY	EFFECTIVE DATE
PROCUREMENT POLICY	City Council	02/01/2024

SECTION 1. GENERAL PROVISIONS

Purpose.

The purpose of this Administrative Policy is to define procurement procedures for each city department to follow based on the type of good or service being acquired and to set forth the process for disposing of city assets. The Administrative Policy shall be effective from and after the date shown above. Any prior Administrative Policies adopted pursuant to this are hereby repealed.

Fundamental Principles. Generally, a good or service should be obtained at the lowest cost, consistent with the quality and service required to maintain efficient operations of City Departments. The quantity of goods purchased is determined through an examination of factors such as the number of units to be used, the period of use, space available, acquisition price, volume discounts, shipping time, obsolescence, and present and expected future availability of an item.

Acquisition of Goods and Services. The acquisition of goods and services by or on behalf of the City of Jamaica Beach, its agencies, departments, officials and authorized agents, should be made in a manner and method which provides for the prudent expenditure of City funds; provides for maximum protection of the taxpayer; prevents waste, conflict of interest, and impropriety; provides for equal access and opportunity in an open and competitive environment to all suppliers, with regard to factors related to quality, cost and availability of the goods and services; and which comply with all applicable federal, state and local laws, rules and regulations.

Self-imposed Constraints. Even though the City Council approves a level of expenditures for any given department, that approval, in and of itself, is neither a permit nor a directive to expend funds unless the need exists at the time of purchase and the good or service to be purchased is within the budget limits.

Familiarity with Policy. All personnel of the City responsible for purchases shall become familiar with and follow the City's policies and procedures as they relate to purchasing. Supervisors shall be cognizant of their respective budget limitations and initiate purchases accordingly. It is the responsibility of the individual departments to anticipate requirements and initiate action to purchase goods and services in advance of the time they are needed.

Application.

This policy applies to all purchases and contracts entered into by the City. It shall apply to every expenditure of public funds for supplies and materials by a public department for public purchasing irrespective of the source of the funds. If City staff or resources are used in any manner, this policy shall apply. When the purchase involves the expenditure of federal or state assistance or



contract funds, the purchase shall be conducted in accordance with any mandatory applicable federal and/or state laws and regulations. Nothing in this policy shall prevent any public department from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

Public Access to Purchasing Information.

Purchasing information shall be a public record to the extent provided by state statute and shall be available to the public as provided in such statute.

SECTION 2. DEFINITIONS

BID BOND - provides a guarantee to the project owner that the bidder will complete the work if selected.

CITY COUNCIL – the governing body of the City of Jamaica Beach, composed of the Mayor and Councilmembers duly elected or appointed in accordance with the Statutes of the State of Texas.

CITY EMPLOYEE – an individual drawing a salary or wages from the City, any non-compensated individual performing personal services for the City or any department, activity, commission, council, board, or any other entity established by the executive or legislative branch of the City; and any non-compensated individual serving as an elected official of the City.

CITY ADMINISTRATOR – the Chief Administrative Officer of the City appointed on either a permanent or interim basis by the City Council.

CONSTRUCTION – the process of building, altering, repairing, improving or demolishing any public structure or facility or other public improvement of any kind.

CONTRACT – a legally binding promise enforceable by law, and generally, in writing between the City and one or more outside parties, regardless of form or title for the purchase of supplies, materials, services, professional services and construction.

DEPARTMENT HEAD – the director designated by the City Administrator to direct the administration of the department and is charged with certain duties and responsibilities, or his/her authorized representative.

EMERGENCY – those unforeseen circumstances that present an immediate threat to public health, welfare, or safety; or when immediate response is necessary to prevent further damage to public property, machinery or equipment; or when delay would result in significant financial impacts to the City or significant interruption to the project schedule as determined by the Department Head and City Administrator.

INVITATION FOR BIDS – all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.



MODIFICATION – any written alteration to a provision of any contract accomplished by mutual agreement of the parties to the contract.

PAYMENT BOND - type of surety bond issued to contractors which guarantees that all entities involved with the project will be paid.

PERFORMANCE BOND - a financial guarantee to one party in a contract against the failure of the other party to meet its obligations.

PROFESSIONAL LIABILITY INSURANCE - provides coverage against any claim which A contractor becomes legally obligated to pay as damages arising out of the performance of professional services caused by any negligent error, omission or act

RESPONSIBLE BIDDER – A contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract. Must possess the full capability, including financial and technical, to perform as contractually required. Must be able to fully document the ability to provide good faith performance.

REQUEST FOR PROPOSALS – all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is a factor in selection.

REQUEST FOR QUALIFICATIONS - all documents, whether attached or incorporated by reference, utilized for soliciting proposals when price is considered after selection. This is usually applicable for engineering, architectural, consulting and other specialized or technical services.

SCOPE OF SERVICES – a detailed description of the tasks to be performed by the successful bidder.

SPECIFICATIONS – a description of the physical or functional characteristics, or of the nature of a supply, service, or construction item; the requirements to be satisfied by a product, material or process indicating, if appropriate, the procedures to determine whether the requirements are satisfied, and/or the capabilities and performance characteristics that the item must satisfy.



SECTION 3. PURCHASING PROCEDURES

Purchasing Authority and Approval Table.

The following table shows who has the authority to make purchases.

Amount of Purchase	Authority for Purchase	Purchase Methods	Authority for Payment
\$1 - \$2,500	Employees with Supervisor or Department Head authorization	Lowest cost through cost comparisons	Department Head Finance Department
\$2,501 - \$15,000	Department Head or his/her designee	Fax quotes Email quotes Informal written bids (3 quotes preferred)	Department Head Finance Clerk
\$15,001 – \$25,000	City Administrator	Fax quotes Email quotes Formal written bids (3 quotes required)	Department Head Finance Clerk City Administrator
\$25,001 to \$50,000	City Administrator City Council	Fax quotes Email quotes Formal written bids (3 quotes required)	Department Head Finance Clerk City Administrator
\$50,001 or more	City Council (awarded contracts above \$50,000)	Advertised formal competitive sealed bid.	

Historically Underutilized Businesses

For expenditures of more than \$3,000 but less than \$50,000, employees must contact at least two historically underutilized businesses (HUBs) from a list provided by the Texas Facilities Commission through the state comptroller’s office. If the list does not identify a HUB within Galveston County, then the purchase is exempt from this requirement.

Purchases of Goods and Non-Professional Services from a Single Vendor, Per Occurrence.

Any agreement for purchases, the duration of which shall exceed one year, shall be subject to annual appropriation approved by the City Council. The paid invoice/receipt detailing the transaction must be approved and signed by the department head or his/her designee before it is sent to the Finance Department. All purchases are reviewed by the Finance Clerk for payment.

Purchases of less than \$2,500.

Purchases up to \$2,500 can be made by employees with approval by the department supervisor or department head.



Purchases of \$2,501 to \$15,000.

Purchases of \$2,501 up to \$15,000 may be made by the department head or his/her designee. It is preferred that the department obtains at least three (3) competitive fax, email and/or informal written quotes.

Purchases of \$15,001 to \$25,000.

Purchases of \$15,001 up to \$25,000 may be made by the department head or his/her designee with City Administrator approval. These purchases require the department to obtain at least three (3) competitive fax, email and/or informal written quotes.

Purchases of \$25,001 to \$50,000.

Purchases of \$25,001 up to \$50,000 may be made by the department head or his/her designee with City Council approval. These purchases require the department to obtain at least three (3) competitive fax, email and/or formal written quotes.

Purchases over \$50,000.

Purchases over \$50,000 will be awarded by an advertised formal competitive sealed bid.

Invitations for bids. An invitation for bids shall be issued and shall include specifications and contractual terms and conditions applicable to the purchase. Criteria for evaluation shall be set forth in the Invitation for Bids.

Public Notice. Adequate public notice of the invitation for bids shall be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first public action must be before the 14th day before the date set to publicly open the bids and read them aloud. If no newspaper is published in the municipality, the notice must be posted at city hall for 14 days before the date set to publicly open the bids and read them aloud. Such notice may also include publication in appropriate trade journals or publications and/or posted on the City's website to allow adequate time for bid preparation.

Bid Requirements. The bid documents shall include:

- 1) A description of the work to be performed or the product to be purchased.
- 2) The location where copies of plans, specifications, and other contract documents may be examined.
- 3) The time and place where bids will be received and time and place where bids will be opened and read aloud.
- 4) A statement that the City reserves the right to reject any or all bids and to waive any informalities or irregularities therein.
- 5) A statement that the City Administrator may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.
- 6) A statement setting forth requirements for bid and performance, labor, materials, bonds, product liability coverage warranty and worker's compensation insurance.



Each bid submitted to the City shall be signed, enclosed in a sealed envelope, and filed as stated in the advertisement for the bid. Fax or email bids will not be accepted. The City Administrator may waive technical irregularities in the bid requirements in this Purchasing Policy, or in the advertisement of the bids, if the City Administrator finds that such waiver does not compromise the integrity of the bidding process.

Late Bids. Bids not submitted by the required deadline are ineligible for consideration and will not be opened.

Bid Openings. All bid openings shall be scheduled with the City Secretary prior to giving public notice of an invitation for bid. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such relevant information as the City Secretary deems appropriate, together with the name of each bidder, shall be recorded on the bid tab provided by the Department or Consultant. The record and each bid shall be open to public inspection. In the event of good cause, as determined by the City Secretary, bid openings may be postponed.

Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation, and delivery costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bids.

Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on such bid mistakes, may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, bids may not be changed for the purpose of correcting an error in the bid price per Local Government Code Sec.A271.026.

Award. The bid shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids, subject to the right of the City to reject all bids. Awarded contracts of \$25,000 and above that were budgeted shall be forwarded to the City Council for approval and execution of the contract.

SECTION 4. CHANGES IN SCOPE OF WORK.

Through approval of this policy, a change in scope of work is considered a modification or amendment that alters the project from what was originally envisioned. Except as noted below, any modification or amendment of an existing contract's scope of work that increases the total compensation in an amount to exceed \$25,000 must be approved by the City Council prior to



work commencing. Changes in scope that do not cause the total contract amount to exceed \$25,000 may be executed by the City Administrator.

In certain limited emergency situations, the City Administrator shall be given the authority to execute an emergency change of scope. The City Administrator shall only execute the emergency change of scope if the work qualifies as an "emergency" and the overall project budget is not exceeded. The emergency change of scope supplemental agreement will be submitted to the City Council for ratification at the next available meeting.

SECTION 5. CHANGE ORDERS.

Through approval of this policy, a change order is considered a change in the time and/or price in a contract. A change order is an amendment to the contract. The contract amendment should contain the changes in timeframe and/or in cost and must go to the City Council for approval. The original contract price may not be increased under section 252.048 (d) of the Texas Local Government Code by more than 25 percent. The original contract price may not be decreased under section 252.048 (d) of the Texas Local Government Code by more than 25 percent without the consent of the contractor. Except as noted below, any change order that increases the total contract amount greater than \$25,000 must be approved by the City Council prior to work commencing. Change orders in an amount less than \$15,000 may be executed by the City Administrator and submitted to the City Council for ratification. In the event a series of change orders on a single contract accumulates to an amount in excess of \$15,000, all subsequent change orders, regardless of amount, must go to the City Council for approval prior to work commencing.

In certain limited emergency situations or due to the stage of construction in progress or to prevent a lengthy delay in a project, the City Administrator, with notification to the City Council, can authorize a change order in an amount to exceed \$15,000. The City Administrator shall only execute an emergency change order if the work qualifies as an "emergency" and does not exceed \$25,000 or the overall project budget, whichever is less. After authorizing the change order, the change order is prepared and submitted to the City Council for ratification. These change orders may involve such issues as cost changes and extensions of time.

Exception. Notwithstanding the above, any change order resulting in a decrease of any amount related to any construction, reconstruction, of a project for the City may be approved by the City Administrator without further action by the City Council.

SECTION 6. COOPERATIVE BIDDING AND STATE BID AWARDS.

It is sometimes beneficial to group the City's requirements with the like requirements of other cities, counties, or agencies. This results in lower costs to all parties while maintaining the integrity of each entity's bidding requirements.

The State of Texas bids many common requirements and makes the award results available to any governmental agency. State bid awards enable government agencies to purchase goods and services at a reduced price due to quantity discounts and do not require the bidding process by individual agencies. State bids are considered to meet the sealed bid requirements.



The City may contract directly with other governmental entities for the purchase of items. The City may also participate in, sponsor, conduct or administer a cooperative purchasing agreement whereby items are procured in accordance with a contract established by another governmental entity provided that such contract was established in accordance with the laws and regulations applicable to the establishing governmental entity. These cooperative purchasing agreements shall be authorized by the City Council.

Additional Council approval shall not be required for the purchase of any budgeted items from purchasing agreements established by governmental entities with which Council has previously approved participation. Council approval will be required for the purchase of unbudgeted items in excess of \$25,000 regardless of whether the Council has approved participation with the governmental entity. Specific unbudgeted items less than \$25,000 may be purchased through an approved cooperative purchasing program provided an alternative funding source within the respective Department's budget is identified in writing to the Finance Director and City Administrator.

SECTION 7. TERM AND SUPPLY CONTRACTS.

Term and supply contracts shall be bid following the same procedures established by this policy for other purchases based upon estimated value of contract. The Department Head shall prepare a recommendation of award for City Council approval for all term and supply and annual contracts over \$25,000, based upon the annual value of the contract. In the instance of multiple-year contracts, Council approval is not required for the renewal periods when the requested price increase does not exceed the renewal period increase established in the original contract. All multiple-year contracts shall contain the non-appropriation clause shown in Section 12. This states that the Contractor understands the obligation of the City to pay for goods and/or services under the contract is limited to payment from available revenues and shall constitute a current expense of the City. It shall not in any way be construed to be a debt of the City in violation of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the City nor shall anything contained in the contract constitute a pledge of the general tax revenues, funds or moneys of the City. All provisions of the contract shall be interpreted so as to give effect to such intent.

SECTION 8. PROFESSIONAL SERVICES.

Contracts for professional services such as engineering, architectural, consulting, and other specialized or technical services shall be obtained through the following process:

1. The Department Head shall prepare a scope of services to determine the format to be used, identify any special requirements, outline a timeline for the project, estimate costs, define roles, and identify potential respondents.
2. Based on the scope of services, the Department Head shall prepare a Request for Proposal or Request for Qualifications, as applicable, designed to ascertain the vendor qualifications, and obtain brochures and any other information which may be used by the selection committee during their evaluation of the proposals.
3. A selection committee shall be established by the Department Head or his/her designee to review the proposals and rate each firm according to the evaluation criteria established in the Request for Proposal/Qualifications.



4. A two-step process will be used whereby the selection committee will first rate each proposal received on criteria established in the Request for Proposals/Qualifications. The composite score of the committee will be used to determine the top-rated firms, which may be interviewed. If interviews are conducted, the firms are rated after the interviews and a second composite score recorded.
5. Immediately following each of the two steps in the process, committee members shall individually rate the firms and submit their rating sheets to the Department Head or his/her designee. The Department Head or his/her designee will then begin negotiations with the firm receiving the highest score.
6. The Department Head or his/her designee shall prepare a recommendation of award for City Council approval.

Upon approval of the City Administrator, professional services under \$5,000 may be exempt from the Request for Proposal and competitive bidding process.

SECTION 9. CONSTRUCTION CONTRACTS.

Construction contracts shall be bid in accordance with the procedures established for other purchase by this policy according to applicable price range.

Construction contracts, supervised by outside consulting services, shall be bid in coordination with the Department Head. A bid package shall be reviewed and approved by the Department Head. Construction contracts shall be prepared by the Consultant. The Consultant or the Department Head, as determined by the Department Head, shall distribute the bid package to potential bidders. The Consultant or Department Head shall schedule a bid opening with the City Secretary where bids will be opened publicly in the presence of one or more witnesses at the time and place designated in the bid package. The amount of each bid, and such relevant information as the City Secretary deems appropriate, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection. The final award of the bid shall be communicated to the successful bidder by the Department Head or his/her designee.

Contract Administration.

A contract administration system shall be maintained by the Department or Consultant designed to ensure that a contractor is performing in accordance with the solicitation, terms, and conditions under which the contract was awarded.

SECTION 10. SOLE SOURCE PURCHASES.

A contract may be awarded or a purchase made without competition when, after conducting a good faith review of available sources, it is determined there is only one source for the required product.

Circumstances that require a sole source purchase may include, but are not limited to:

1. No competitive product or availability from only one supplier;
2. The purchase of a component or replacement part for which there is no commercially available product, and which can be obtained only from the manufacturer;



3. The purchase of an item where compatibility is the overriding consideration, such as to maintain standardization or compatibility, or to match materials already in use to produce visual harmony;
4. When supplies or services are available at a discount from a single distributor for a limited period of time;
5. When a specialized consultant or technical services is needed for a project with specific circumstances requiring a unique combination of abilities or expertise to perform the services required;
6. The purchase of a used item;
7. The purchase of a product for trial or testing.

Sole source can refer to the supplier, as well as a product or service. Thus, the ability to meet a delivery date or to provide on-call repairs can create a sole supplier condition. Justification for a sole source purchase depends on a needed item being available from only a single supplier under the prevailing conditions. If the item may be obtained from more than one source, price competition shall be solicited.

SECTION 11. EMERGENCY PURCHASES

An emergency condition exists when there is a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failure, etc.; when immediate response is necessary to prevent further damage to public property, machinery or equipment; or when delay would result in significant financial impacts to the City or significant interruption to the project schedule as determined by the Department Head and City Administrator. The condition must create an immediate and serious need for supplies, equipment, materials, and/or services that cannot be met through normal procurement methods and the lack of which would threaten the function of the City government or its programs. The City Administrator shall only execute an emergency purchase if the work qualifies as an "emergency" and does not exceed \$25,000.

Any department may make emergency purchases, however, with as much competition as is possible under the circumstances. Purchases shall be limited to only the quantity necessary to meet the emergency, and in no event shall the contract price exceed commercially reasonable prices.

SECTION 12. GENERAL INSTRUCTIONS.

1. Specifications.

It is the responsibility of the department to write their specifications and establish the quality of the product or service required. Specifications shall be written to require competition at the manufacturer's level when possible. Use of a brand name specification shall include the designation "or an approved alternate." A "no substitute" request must be justified by the department as to why no other brand will meet the need.

2. Multiple Purchases.

Making multiple purchases for the purpose of avoiding the bidding process shall not be permitted and shall be considered a violation of this Policy.



3. Unauthorized Purchases.

The purchase of an item must be made in accordance with the Purchasing Policy and Procedures. Any purchase of an item which does not comply with these procedures shall be considered an unauthorized purchase. Whenever funds have been expended or payment cannot be avoided on an unauthorized purchase, anyone may report the matter in writing to the Department Head or the City Administrator for action. Said action may include discipline in accordance with the City's disciplinary policies.

4. Minimum Insurance and Bonding Requirements for Contract Awards.

Contract awards shall be made only to contractors that possess the ability to perform successfully under the terms and conditions of a proposed procurement. Contracts awarded shall include the following guarantees:

1. A bid bond on the part of the contractor for 20% of the contract price for any contract exceeding \$100,000.
2. A performance bond on the part of the contractor for 100% of the contract price for any contract exceeding the sum of \$50,000.
3. A payment bond on the part of the contractor for any contract exceeding \$50,000.
4. All construction contractors and subcontractors are to carry Workers' Compensation Insurance on each and every employee as required and in accordance with the Worker's Compensation Act of the State of Texas.

As well as:

- a. Comprehensive General Liability Insurance or Commercial General Liability Insurance for personal injury (including death) and property damage with a minimum of \$1 Million Dollars per occurrence and \$2 Million Dollars aggregate,
**Manufacturers' or Contractor Public Liability Insurance is not an acceptable substitute for Comprehensive General Liability Insurance or Commercial General Liability Insurance.
 - b. Professional Liability Insurance with minimum limits of \$1,000,000.00 per claim, \$1,000,000.00 annual aggregate
 - c. Any and all additional insurance required by the laws of the State of Texas.
5. If any subcontracting is let, prime contractors will be required to ensure the subcontractors comply with the provisions of this plan and with all applicable required federal and state regulations. All subcontractors must be licensed through the City and provide evidence of insurance if applicable.
 6. Any insurance requirements required for state and/or federal funds are also incorporated into this document by reference and will be adhered to on such projects.

All proof of insurance and bond documents shall be provided to the City Secretary prior to the Contractor beginning work on any City project.



5. City Attorney Review of Agreements.

All rental, lease agreements or contracts for goods and services must be reviewed by the City Attorney and be authorized by the City Administrator. A copy of all rental, lease agreements or contract requiring payment must also be forwarded to the Finance Department for processing at least thirty (30) days prior to the due date of the first payment.

6. Municipal Tax Exemption.

The City is tax exempt as a political subdivision under Section 4221(b) of the IRS Code and 3.322 of the Texas Administrative Code except for personal property used in a business setting. Department Heads are responsible for obtaining the latest tax-exempt certificate and for remitting it to the appropriate vendor prior to every purchase.

7. Non-Appropriation Clause.

Except as otherwise provided by law, it is unlawful for the City to create any indebtedness in excess of the amount of funds actually on hand for such purpose. Any contract that would create financial obligations to the City beyond the current, fiscal year must include provisions for non-appropriation of funds, such as the following: The City's financial obligations contained herein are subject to annual appropriations of funding in the municipal budget during each calendar year the agreement remains in effect. The City shall make a good faith effort to fund said financial obligations on an annual basis. If the City determines not to do so, the agreement shall be cancelled as of the date of non-appropriation, without penalty or additional liability to either party.

8. State and Federal Laws.

The City of Jamaica Beach will comply with all state statutes, federal laws, and regulations related to local government purchase.

SECTION 13. BUDGET

Annual Budget Approvals.

The City Council determines expenditure levels through the formulation and approval of the annual budget. In performing this policy-making function, the City Council establishes a set of goals, priorities and performance standards by which the City organization directs its collective effort toward accomplishing. The adoption of the annual budget is the approval of the level of expenditures necessary to accomplish the goals and objectives that have been established for each City program. With the exception of single expenditures of more than \$25,000 or specific Ordinances to the contrary, no further City Council action is required to initiate purchases within that budget. All purchases made by the City are approved twice monthly by the City Council through majority approval of the Appropriation Ordinance.

City Administrator Authority: The City Administrator is delegated the responsibility by the City Council to carry out a program of services to the community. It is the City Administrator's responsibility to manage the annual budget in such a way that the goals and priorities of the City Council are accomplished. All regulations, as well as recommendations for changes in general procurement policy, will only be made with the approval of the City Administrator. Under this



system of control, the City Administrator has delegated this responsibility and authority to respective Department Heads.

Department Head Authority: Department Heads are responsible for meeting the goals and objectives established by City Management and are provided budgeted funds to attain those goals. Each Department Head has the responsibility and authority to make certain that purchases are within the scope of the adopted budget.

Although City Management has established goals and levels of expenditure for each program, approved budget authority is not a permit nor a directive to expend funds, unless the need for the product continues to exist at the time of purchase and the price of the product is within the parameters of the budget as stated above. In addition, these criteria must be ultimately weighted against the availability of funds and the relationship of the department goals to overall City priorities.

SECTION 14. LEASE OF REAL PROPERTY.

The City Council may lease real property which is currently underutilized in order to maximize the return on the property to the City until such time as such properties shall be required for public usage, after following an applicable process which results in a fair market value determination which is financially most advantageous to the City.

Nothing herein shall prevent the City Administrator or designated representative from negotiating the lease to a Lessee of any real property that is shown to have a unique value to such Lessee due to its configuration, accessibility or size. The City Council shall have final approval of all such negotiations and any transaction.

SECTION 15. DISPOSAL OF CITY ASSETS.

Chapter 253 of Texas Local Government Code allows cities to "sell and convey real or personal estate owned by the city." When an item no longer is needed by a City Department, the respective Department Head should attempt to redistribute the item within City Departments. Should there be no need for the item across City departments, such items may be given to other local governmental agencies, local not-for-profit agencies, or may be sold or traded outside of the City. If sold, departments shall determine an applicable fair market value which is financially most advantageous to the City. Unusable property or parts that have a market value will be sold "as is" through available markets approved by City Administration. Usable property which cannot be relocated across City departments will be disposed of in accordance with the following procedures.

1. *Limitations.* Any asset which, at the time of purchase, was paid by City warrant in the amount of \$15,000 or more, must receive approval by the City Administrator.
2. *Prohibitions.* Under no circumstances will any employee, or family-member of an employee, have access to or ownership of any asset that is being disposed of in accordance with this policy unless such asset is being offered for sale to the general public and the process for such sale is open to any individual intending to proffer a bid on such asset.
3. *Computing Technology.* The City Administrator or his/her designee shall be responsible for disposing of City computing technology assets. It is their responsibility to see that all



data residing on any type of storage device is removed from any computing technology prior to the equipment leaving their possession.

4. *Notification.* Prior to transferring or disposing of City assets, each Department Head will determine whether such asset is part of the City's ongoing fixed asset inventory. If so, a complete description of the asset being transferred or disposed of will be sent to the Finance Department.

SECTION 16. ETHICS.

All City employees authorized to conduct purchasing activities on behalf of the City of Jamaica Beach shall adhere to the highest degree of ethical standards. No employee shall engage in or permit any illegal or improper purchasing practice. Further, any employee having knowledge of any questionable practice shall immediately report this knowledge to their respective Department Head or the City Administrator. Engaging in or permitting unethical or illegal conduct constitutes grounds for disciplinary action in accordance with the City's disciplinary policies.

SECTION 17. RESPONSIBILITY FOR ENFORCEMENT.

The City Administrator will have the responsibility for the enforcement of this administrative policy. Department Heads will be entrusted with the responsibility of enforcing the policy within their departments.

Approved: _____
Mayor

Date: _____



CITY OF JAMAICA BEACH CITY COUNCIL AGENDA ITEM

MEETING DATE	January 25, 2024	
RESOLUTION or ORDINANCE #		
AGENDA TITLE	Code of Ethics and Conduct for Elected & Appointed Officials Discussion	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Kendal Francis, City Administrator	
FISCAL INFORMATION	Cost as recommended:	N/A
	Budget Line Item:	
	Balance Available:	
	New Appropriation Required:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
PURPOSE	Discussion of a proposed Code of Ethics & Conduct	
BACKGROUND	<p>The citizens of Jamaica Beach are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity. To that end, I have drafted a Code of Ethics and Conduct for Elected and Appointed Officials for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.</p>	
TEAM RECOMMENDATION		
REFERENCE DOCUMENTS ATTACHED	Draft Policy	

City of Jamaica Beach

Code of Ethics and Conduct for Elected and Appointed Officials



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Policy Purpose

The Jamaica Beach City Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The citizens and businesses of Jamaica Beach are entitled to have a fair, ethical and accountable local government that has earned the public's full confidence for integrity. Achieving this requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Jamaica Beach City Council has adopted this Code of Ethics and Conduct for Elected and Appointed Officials ("Code of Ethics and Conduct") for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, Elected and Appointed Officials (EAO) will work for the common good of the people of Jamaica Beach and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Jamaica Beach City Council, boards, and commissions.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members of the City Council and the City's boards and commissions shall comply with the laws of the nation, the State of Texas and the City of Jamaica Beach in the performance of their public duties. These laws include but are not limited to: the United States and Texas Constitutions; State laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. **Conduct of Elected and Appointed Officials ("EAO").** EAO shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff, or public. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
4. **Respect for Process.** EAO shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

5. **Conduct of Public Meetings.** EAO shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; attempting to monopolize the discussion at public meetings; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** EAO shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication.** EAO shall publicly disclose substantive information that is relevant to a matter under consideration by the City Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** No EAO or officer of the City or a relative thereof shall:
 - (a) Have a financial interest in any contract, job, work, or service of or to the City, or the sale to the City of any supplies, equipment, material, or real or personal property.
 - (b) Participate in a vote or decision on any matter in which the officer has a substantial personal or financial interest.
 - (c) Accept any gift from any person that might reasonably tend to influence such EAO or officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
 - (i) A lawful campaign contribution;
 - (ii) An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
 - (iii) Meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
 - (iv) Complimentary copies of trade publications and other related materials;
 - (v) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (vi) Any gift, which would have been offered or given to the person if such person was not an officer or employee of the City;
 - (vii) An occasional item with a value less than fifty dollars (\$50.00);
 - (viii) Tee shirts, caps and other similar promotional material;
 - (ix) Meals, transportation and lodging in connection with a seminar or conference at which the officer is providing services;

- (x) Gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status; and,
 - (xi) Complimentary attendance at political or charitable fund-raising events.
9. **Confidential Information.** EAO shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, political or other private interests.
 10. **Use of Public Resources.** EAO shall not use public resources not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal, political purposes. Council members desiring the use of such City resources for public meetings shall first obtain permission from a majority of the Council at a duly called, posted Council meeting.
 11. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies, nor voluntarily participate on behalf of others in any litigation to which the City is, or might be, an adverse party.
 12. **Advocacy.** EAO shall represent the official policies or positions of the City Council, board, or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, EAO shall explicitly state they do not represent their body or the City of Jamaica Beach, nor will they allow the inference that they do.
 13. **Policy Role of EAO.** EAO shall respect and adhere to the Council-Administrator structure of Jamaica Beach City government as outlined by the Jamaica Beach city ordinances. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the city ordinance, EAO shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
 14. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
 15. EAO shall not intervene in Civil Service or Municipal Court matters.
 16. EAO shall not direct City staff to take actions that are not in keeping with advice and guidance from the City Attorney's Office.
 17. Councilmembers shall adhere to the same City procurement policy as utilized by City staff.

18. **Positive Workplace Environment.** EAO shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. EAO shall recognize their special role in dealings with City employees so in no way do they create the perception of inappropriate direction to staff.

B. CONDUCT

City ordinances provide detailed information on the roles and responsibilities of members of the Jamaica Beach City Council, the Mayor Pro Tem, and the Mayor. The City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

This Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, citizens, and others they come into contact with in representing the City of Jamaica Beach.

The constant and consistent theme through all the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact hundreds of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

1. Overview of Councilmember Roles and Responsibilities

Mayor

- Acts as the official head of the City for all ceremonial purposes.
- Chairs Council meetings.
- Calls for special meetings.
- Serves as spokesperson for the City Council on City positions.
- Selects substitute for City representation when Mayor cannot attend.
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Council approval.
- Leads the Council into an effective, cohesive working team.
- Signs documents on behalf of the City.
- Reviews mail addressed to Mayor.
- Other duties as set forth in other laws, ordinances, or the City Charter.

Mayor Pro Tem

- Performs the duties of the Mayor if the Mayor is absent or disabled.
- Chairs Council meetings at the request of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.
- Signs documents on behalf of the City, in absence of Mayor.
- All duties as assigned by Mayor.

All Councilmembers

All City Councilmembers have an equal vote. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. Therefore, no ranking or pecking order shall be established for predetermining the order of roll call votes or public introductions, except that the Mayor and Mayor Pro-Tem shall be introduced first at public meetings and events. All Councilmembers should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;
- Prepare in advance of Council meetings and be familiar with issues on the agenda;
- Represent the City at ceremonial functions at the request of the Mayor;
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community;
- Provide contact information with the City Secretary in case an emergency or urgent situation arises while the Councilmember is out of City;
- Demonstrate honesty and integrity in every action and statement; and,
- Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Ethics and Conduct for Elected and Appointed Officials.

Meeting Chair

The Mayor will chair official meetings of the City Council, unless the Mayor Pro Tem or another Councilmember is designated as chair of a specific meeting.

The Meeting Chair shall:

- Maintain order, decorum, and the fair and equitable treatment of all speakers.
- Keep discussion and questions focused on the specific agenda item under consideration.
- Make parliamentary rulings with advice, if requested, from the City Secretary who acts as advisory parliamentarian, and in his or her absence, the City Administrator shall act as advisory parliamentarian.

2. General Policies and Protocol

Ceremonial Events. Requests for a City representative at ceremonial events will be handled by the City Secretary's Office. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If so, then the Mayor may ask a Councilmember to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Councilmembers shall be shared with the City Secretary's Office in order to assure posting for compliance with the Texas Open Meetings Act, if applicable.

Travel Expenses. All Council travel in which the Councilmember expects to officially represent the City and be reimbursed by the City for travel costs, should be disclosed to the Mayor, City Council, and City Administrator in advance. The travel budget for Council shall be reviewed at each annual budget cycle.

Rules of Order for Meetings. The latest edition of Robert's Rules of Order Newly Revised shall serve as the parliamentary authority for Council and boards, committees and commissions. Standing rules that vary from Robert's Rules may be adopted by the Council by ordinance.

Non-agenda Items (Public Comment). During a designated period of the agenda, referred to as "Public Comment," citizens may bring forth issues or questions, within the jurisdiction of the city council, that are not on the meeting's agenda. Each citizen may be limited to three minutes unless otherwise directed by the Mayor (Council meetings) or Chair (board/commission meetings).

Public Comment is designed as an opportunity for individuals to express their opinions, and it is not a dialogue or Q & A session with the council members. Council members are to listen, but any response or further action will be provided by the City Administrator at a later date.

Public Comment may not be used as a forum to make personal attacks against individual citizens, City employees or Councilmembers. Such remarks will result in the speaker being asked to step back from the podium and a forfeiture of the remaining time to speak.

Public hearings. EAO will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by EAO are not appropriate until after the close of the public hearing. EAO should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

3. EAO Conduct with One Another

EAO is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

(a) In Public Meetings

- a. **Use formal titles.** EAO should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Chair, Alderman or Councilmember followed by the individual's last name.
- b. **Practice civility and decorum in discussions and debate.** Difficult questions, challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, EAO to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

- c. **Honor the role of the Chair in maintaining order.** It is the responsibility of the Chair to keep the comments of EAO on track during public meetings. EAO should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- d. **Avoid personal comments that could offend other EAO.** If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Chair will maintain control of this discussion.
- e. **Demonstrate effective problem-solving approaches.** EAO have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

(b) In Private Encounters

- a. **Continue respectful behavior in private.** The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- b. **Be aware of the insecurity of written notes, voicemail messages, and E-mail.** Technology allows words written or said without much forethought to be distributed wide and far. Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.
- c. **Even private conversations can have a public presence.** Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eaves-dropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted and may be subject to the Open Meetings Act.

4. Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy; appointed officials who advise the elected, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- (a) **Treat all staff as professionals.** Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) **EAO questions/inquiries to City staff.**

- a. **General.** EAO may ask operational questions of staff. (e.g., "Why do we mow the grass on Monday and Wednesday?"). However, at no time are they allowed to direct staff actions. (e.g., "Mow the grass on Tuesday and Thursday.")
 - b. **Routine Requests for Information and Inquiries.** EAO may contact staff directly for information made readily available to the general public on a regular basis (e.g., "How does one reserve the pavilion at the park?"). Under these circumstances staff shall treat the EAO no differently than they would the general public, and the EAO shall not use their elected or appointed status to secure preferential treatment. The City Administrator does not need to be advised of such contacts.
 - c. **Non-Routine Requests for Readily Available Information.** EAO may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half-mast?").
 - d. **Non-Routine Requests Requiring Special Effort.** Any EAO request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) shall be directed to the City Administrator. The City Administrator shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the City Administrator, the City Attorney as appropriate and affected department directors. The City Administrator, at his or her option, may choose to seek clarification from the City Council regarding non-routine requests that might be considered extraordinary.
 - e. **Meeting Requests.** Any EAO request for a meeting with staff shall be directed to the City Administrator. EAO's shall promptly notify the City Administrator of any requests they receive by City employees or volunteers for meetings to discuss policy issues, budget issues, management issues, or administrative issues.
- (c) **Do not disrupt City staff from their jobs.** EAO's should not disrupt City staff while they are in meetings, on the phone, or otherwise engaged in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
- (d) **Never publicly criticize an individual employee.** EAO's should never express concerns about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.
- (e) **Do not get involved in administrative functions.** EAO's must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, the payment of claims against the City or granting of City licenses and permits.

- (f) **Check with City staff on correspondence before acting.** Before sending correspondence, Councilmembers should check with the City Administrator to see if an official City response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized by the City Council.
- (g) **Limit requests for staff support.** Routine secretarial support will be provided to all Councilmembers. The City Secretary (or designee) opens mail addressed to Mayor and forwards information as appropriate. The City Secretary also opens mail for other Councilmembers, unless a Councilmember requests other arrangements.
- (h) **Do not solicit political support from staff.** EAO's shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace. The use of the City's email system for political purposes or communications is not allowed.

5. Conduct with the Public

- (a) **In Public Meetings.** Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual EAO toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
 - a. **Be welcoming to speakers and treat them with care and gentleness.**
 - b. **Be fair and equitable in allocating public hearing time to individual speakers.**
The Mayor or Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes with applicants and appellants, or their designated representatives allowed time as allocated by the Mayor. If many speakers are anticipated, the Mayor or Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. speaker may only speak once during the public hearing unless the Mayor or Chair requests additional clarification later in the process.
 - c. **Give the appearance of active listening.** It is disconcerting to speakers to have EAO not look at them when they are speaking. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom. EAO's shall refrain from texting or other cellular phone functions during public hearings.
 - d. **Ask for clarification, but avoid debate and argument with the public.** Only the Mayor (Chair) – not individual EAO – can interrupt a speaker during a presentation. However, a member can ask the Mayor (Chair) for a point of order if the speaker is off the topic or exhibiting behavior or language that is disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the Mayor (Chair) to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by EAO to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Personal opinions or inclinations of EAO about upcoming votes should not be revealed until after the public hearing is closed.

- e. **No personal attacks of any kind, under any circumstance.** EAO should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- f. **Follow parliamentary procedure in conducting public meetings.** The City Secretary serves as advisory parliamentarian for the City Council and is available to answer questions or interpret situations according to parliamentary procedures. In his/her absence, the City Administrator serves as advisory parliamentarian. The Mayor (Chair), subject to the appeal of the full Council or board/commission, makes final rulings on parliamentary procedure per the procedure outlined in Robert's Rules of Order Newly Revised.

(b) In Unofficial Settings

- a. **Make no promises on behalf of the Council, board/commission, or City.** EAO will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (ex. fix a pothole etc.).
- b. **Make no personal comments about other EAO.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other EAO, and their opinions and actions.
- c. **Remember that Jamaica Beach is a small City at heart.** EAO are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Jamaica Beach. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by EAO, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

6. Conduct with Other Public Agencies

- (a) **Be clear about representing the City or personal interests.** When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose and with the City Administrator's knowledge.

When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor, the City Council, and the City Administrator of their involvement.

- (b) **Be equally clear in correspondence about representation.** City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the City Secretary to be filed with the City as part of the permanent public record.
- (c) **City letterhead should not be used for non-City business or for correspondence representing a dissenting point of view from an official Council position.**

7. Council Conduct with Boards and Commissions.

The City has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- (a) **If attending a board or commission meeting, be careful of personal opinions.** Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire City Council.
- (b) **Limit contact with board and commission members to questions of clarification.** It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.
- (c) **Remember that boards and commissions serve the community, not individual Councilmembers.** The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council; but board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

- (d) **Be respectful of diverse opinions.** A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions but must be fair and respectful of all citizens serving on boards and commissions.
- (e) **Keep political support away from public forums.** Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office but not in an official forum in their capacity as a Councilmember.

8. Conduct with the Media

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so by the City Council.

- (a) **Councilmembers are frequently contacted by the media for background and quotes. The best advice for dealing with the media is to never go "off the record".** Most members of the media represent the highest levels of journalistic integrity and ethics and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.
- (b) **The Mayor is the official spokesperson for the City on City positions.** The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.
- (c) **Choose words carefully and cautiously.** Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

9. SANCTIONS

- (a) **Public Disruption.** Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further testimony at that meeting or removed from the Council Chambers.
- (b) **Inappropriate Staff Behavior.** EAO's shall refer any City staff member or volunteer who does not follow proper conduct or protocol in their dealings with EAO, other City staff, or the public, to the City Administrator. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

- (c) **Councilmembers Behavior and Conduct.** Compliance and Enforcement. The Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Jamaica Beach City Council, boards, and commissions. EAO themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to intervene when actions of EAO that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, be removed from committee assignments (both within the City of Jamaica Beach or with inter-governmental agencies) by the Council.

Councilmembers should point out the offending Councilmember infractions of the Ethics Policy. If the offenses continue, then the matter should be placed on a council agenda in closed session under the provisions of Section 551.074 of the Texas Government Code.

The affected Councilmember may request that the complaint be considered in a public meeting. The affected Councilmember shall be provided by the City Attorney a copy of the complaint in writing. At such meeting, the City Attorney or City Administrator shall present in detail to the City Council the nature of the complaint and the City Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials.

The affected Councilmember shall have the right to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated City Councilmembers in attendance shall conduct a hearing in open session and review the complaint. The City Council may reject the complaint and take no action or take action to formally reprimand or censure the offending Councilmember.

- (d) **Board and Commission Members Behavior and Conduct.** Counseling and verbal reprimands may be administered by board and commission chairs (or their designee) to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Verbal or written reprimands may be administered by the Mayor or Mayor Pro Tem at the direction of the Council. Copies of all written reprimands administered by the Mayor or Mayor Pro Tem shall be distributed in memo format to the respective board or commission member, the board or commission chairperson, the City Secretary, the City Administrator, and the City Council. Written reprimands administered by the Mayor or Mayor Pro Tem shall not be publicized except as required under the Public Information Act.

The City Council may impose sanctions on any EAO whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act.

When deemed warranted, the Council may call for an investigation of an EAO's conduct. Should the City Administrator or City Attorney believe an investigation is warranted, they shall confer with the Council. The Council shall ask for an investigation of the allegation and a report of the findings.

The results of any investigation conducted by the City Administrator or City Attorney shall be reported to the full Council in a closed session. It may be reported in a verbal or written report. Any written report to Council addressing the investigation of board and commission members shall be routed through the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Information Act. The affected EAO may request that the complaint be considered in a public meeting. The EAO shall be provided a copy of the complaint in writing. At such meeting, the City Attorney or City Administrator shall present a report to the City Council describing in detail the nature of the complaint and the City Attorney findings and conclusions as to a possible violation of this Code of Ethics and Conduct for Elected and Appointed Officials. The affected EAO shall have the right to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence in such person's behalf. The non-implicated City Councilmembers in attendance shall conduct a hearing and review the complaint. The City Council may reject the complaint or take action.

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

A violation of this Code of Ethics and Conduct for Elected and Appointed Officials, alone, shall not constitute a basis for challenging the validity of a Council, board or commission decision.

10. GLOSSARY OF TERMS

- (a) **Confidential information** means any information to which an official has access in such person's official capacity, which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law.
- (b) **Gift** means anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions, which are regulated by federal, state, and/or local laws or ordinance.
- (e) **Relative** means any person related to an officer within the second degree by Consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the officer.
- (d) **Substantial financial interest** means (i) the ownership of ten (10) percent or more of the voting stock or shares of a business entity; (ii) the ownership of ten (10) percent or more, or fifteen thousand dollars (\$15,000.00) or more of the fair market value of a business entity; or (iii) funds received from the business entity exceed ten (10) percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than fifteen thousand dollars (\$15,000.00) does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of two thousand five hundred dollars (\$2,500.00) or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.) A Member is considered to have a substantial interest under this Ethics Policy if a person related to the Member in the second degree of consanguinity or affinity has a substantial interest under this Code of Ethics and Conduct for Elected and Appointed Officials.

11. IMPLEMENTATION

As an expression of the standards of conduct for EAO expected by the City, the Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when EAO are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. EAO entering office shall sign a statement affirming they read and understood the City of Jamaica Beach Code of Ethics and Conduct for Elected and Appointed Officials. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

12. ETHICS RESOURCES

(a) Texas Local Government Code

- a. Ch. 171 Conflict of Interest
- b. Ch. 176 Financial Disclosure in Contracts
- c. Ch. 252 Purchasing and Contracting Authority of Municipalities

(b) Texas State Government Code

- a. Ch. 551 Open Meetings Act
- b. Ch. 552 Public Information Act
- c. Ch. 553 Disclosure of Ownership in Property
- d. Ch. 573 Nepotism

(c) Texas Election Code

- a. Ch. 253 Campaign Finance

(d) Texas Penal Code

a. Ch. 36 Bribery and Corrupt Influence

- i. 36.02 Bribery
- ii. 36.03 Coercion of Public Servant or Voter
- iii. 36.04 Improper Influence
- iv. 36.05 Tampering with Witness
- v. 36.06 Obstruction or Retaliation
- vi. 36.07 Acceptance of Honorarium
- vii. 36.08 Gift to Public Servant by Person Subject to His Jurisdiction
- viii. 36.09 Offering Gift to Public Servant
- ix. 36.10 Non-Applicable

b. Ch. 37 Perjury and other Falsification

- i. 37.10 Tampering with a Governmental Record

c. Ch. 39 Abuse of Office

- i. 39.02 Abuse of Official Capacity
- ii. 39.03 Official Oppression
- iii. 39.06 Misuse of Official Information

CODE OF ETHICS ACKNOWLEDGMENT

I acknowledge that I have received a copy of the City of Jamaica Beach Code of Ethics for Elected and Appointed Officials. I further acknowledge that I have read and understand all my obligations, duties, and responsibilities under each provision of this Code of Ethics.

Printed Name

Signature

Date

DRAFT