BAY CITY

REVISED MINUTES • AUGUST 14, 2014

Council Chambers	Regular Meeting	7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER & CERTIFICATION OF QUUORUM

Attendee Name	Title	Status	Arrived
Chrystal Folse	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Mark Bricker	Mayor	Present	
Carolyn Thames	Mayor Pro-Tem	Present	
Julie Estlinbaum	Councilwoman	Present	
William Cornman	Councilman	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - COUNCILMAN BILL CORNMAN

Texas State Flag Pledge:
"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

3. PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

Eric Rooth informed Mayor and Council that he represented a group of investors that would like to open a shooting range off of Highway 60. He asked that the item be placed on the next City Council meeting agenda.

Bay City resident Ronnie Reeves addressed Council regarding the Curfew Ordinance. Mr. Reeves asked that when the City would do this that they let the public know about it. He added that it was important to inform the public. It would be good to work with the schools and the minister alliance. It would be also a good thing for the City to post the Curfew Ordinance in places where the children hang out. Mr. Reeves moved on to the City's trash provider. He stated that it was really lacking. Mrs. Reeves stated that there had been a trash pile at the corner of Barefield and Avenue B for 3 1/2 weeks. At Hardeman Park there were two trash cans, one has been full to the brim for 3 weeks. He wondered when they would pick it up.

Bay City resident Judith Allen invited everyone out on September 2, 2014 from 5 p.m. to 7 p.m. for a small Open House. She informed everyone that they would have another dance on October 11th. It would be hosted by the Historic Commission and the Parks and Recreation Department. Mrs. Allen took the time to thank the Parks and Recreation Department for all of their help.

Bay City resident Haskell Simon invited everyone to the 100 Club Banquet tomorrow, Friday, August 15, 2014, at 6:30 p.m. at the Eagles Hall. He added that it would be the 37th Annual Banquet.

Bay City resident Alicia Waters invited everyone to the Matagorda Mavericks event to celebrate the County's Cattlemen and Cowboys of Matagorda County. It will be on September 6, 2014, beginning at 1 p.m. - 6 p.m. at the Museum, and 6 p.m. to 8 p.m. around the square. Mrs. Waters thanked Parks and Recreation and Kelly for brining energy. She also thanked Main Street.

Bay City Chamber of Commerce and Agriculture President Mitch Thames informed everyone that next week a travesty would occur. The LCRA would release a water management plan to be discussed on Tuesday and have the board approve it on Wednesday. Mr. Thames asked if anyone could be there to speak against it, please be there.

Bay City resident came back before Mayor and Council as a concerned citizen. She stated that an individual hired a contract on her street to cut down a canopy of trees without the approval of the other residents, but was given permission by the City/ The next morning the trees that the private contractor could not access, were then cut down by the City. Mrs. Allen invited the City to consider a tree ordinance.

Bay City resident David Torrez informed Mayor and Council that the City had the oldest Christmas decorations in town. It was a shame that they are put out. The streets were horrible. The leaks are horrible. He stated that the City needed more education on the things they considered priority. He stated that our children need sidewalks. Mr. Torrez stated that he had not seen the City crews striping with the new school year approaching. He pointed out that Mardis' hole is still there. The City still had not taken care of it. Mr. Torrez stated that one night coming from Wal-Mart he found four street lights out. He commented that the the Curfew Ordinance was useless.

4. CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

The following items may be acted upon in a single motion. No separate discussion or action on any of these items will be held unless requested by a member of the City Council. Public comment on consent agenda items may be heard without removing the item from the consent agenda. Each person providing public comment will be limited to 3 minutes.

Councilwoman Folse stated that she felt it was ridiculous to have all of the items on one meeting.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

1. Budget

   FINANCIAL STATEMENT AS OF JANUARY 31, 2014.

   Phill Conner, Interim Finance Director

   Enacted and approved this 14th day of August, 2014, at Bay City

2. Budget

FINANCIAL STATEMENT FOR FEBRUARY 28, 2014.

Phill Conner, Interim Finance Director

Enacted and approved this 14th day of August, 2014, at Bay City

3. Budget

FINANCIAL STATEMENT AS OF MARCH 31, 2014.

Phill Conner, Interim Finance Director

Enacted and approved this 14th day of August, 2014, at Bay City

4. Budget

FINANCIAL STATEMENT AS OF APRIL 30, 2014

Phill Conner, Interim Finance Director

Enacted and approved this 14th day of August, 2014, at Bay City

5. Budget

FINANCIAL STATEMENT AS OF MAY 31, 2014.

Phill Conner, Interim Finance Director

Enacted and approved this 14th day of August, 2014, at Bay City

6. Budget

FINANCIAL STATEMENT AS OF JUNE 30, 2014.

Phill Conner, Interim Finance Director

Enacted and approved this 14th day of August, 2014, at Bay City

7. Budget

ACCOUNTS PAYABLE FOR: 4/10/14, 4/17/14, 4/24/14, 4/30/14, 5/1/14, 5/8/14, 5/15/14, 5/22/14, 5/29/14, 6/5/14, 6/12/14, 6/19/14, 6/24/14, AND 6/26/14; DIRECT PAYABLES FOR: 5/2/14, 5/15/14, 5/23/14, 5/28/14, 6/4/14, 6/11/14, 6/16/14, AND 6/26/14; AND UTILITY REFUNDS FOR: 5/1/14, 5/29/14 AND 5/29/14.

Phill Conner, Interim Finance Director

Enacted and approved this 14th day of August, 2014, at Bay City

5. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:

1. Policy

CONSIDER AND/OR APPROVE THE 2014-2015 CITY OF BAY CITY EMPLOYEE BENEFITS PLAN.

Rhonda Clegg, City Secretary and Jeff Noyes, The Noble Group
Mrs. Clegg provided an update regarding the insurance.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

Enacted and approved this 14th day of August, 2014, at Bay City

2. Report

DISCUSS CONCERNS WITH THE OPERATION OF THE 16TH STREET POOL.

Councilwoman Chrystal Folse
Rhonda Morales stated that she met with the Mayor, John Garr, and Kelly Penewitt at 6 p.m. and helped iron out a number of issues. Mrs. Morales informed everyone that they had 133 children participate in Aquacats, 33 went to State and 15 will be going to Nationals.

3. Report

DISCUSS REGULATING PAY DAY LOAN COMPANIES WITHIN THE CITY OF BAY CITY LIMITS.

Bill Key
Bill Key stated that several large cities have jumped on the bandwagon to regulate pay day loans. Mr. Key read from a document that described the issue, as well as the process involved in the companies. Mr. Hyde provided some background. Mayor asked that they be able to gather more data and discuss it in a workshop. Mr. Key was in agreement.

4. Ordinance

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ESTABLISHING A CURFEW FOR MINORS FIFTEEN (15) YEARS OF AGE AND UNDER TO PROHIBIT BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF 11:00 P.M. AND 6:00 A.M. WEEKDAYS, AND MIDNIGHT AND 6:00 A.M. WEEKENDS; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS AND ADOPTING CERTAIN EXCEPTIONS AND FURTHER PROVIDING FOR REVIEW OF THE EFFICIENCY OF THIS ORDINANCE EVERY THREE YEARS FROM AND AFTER THE DATE OF PASSAGE HEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Capatin Robert Lister, Bay City Police Department
Lieutenant Clayton Ryman provided Mayor and Council with some statistics regarding curfew.

Council was polled.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Steven Johnson, Councilman
SECONDER:	William Cornman, Councilman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

ORDINANCE

Enacted and approved this 14th day of August, 2014, at Bay City

5. Ordinance

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, MERGING THE FIRE MARSHALL POSITION AND THE CODE ENFORCEMENT DIVISION INTO THE POLICE DEPARTMENT; REDESIGNATING THE FIRE MARSHALL POSITION AS A POSITION IN THE POLICE DEPARTMENT; REDESIGNATING THE CODE ENFORCEMENT DIVISION AS A DIVISION OF THE POLICE DEPARTMENT; REASSIGNING AND REDESIGNATING DEPARTMENTAL PERSONNEL; DESIGNATING CONTROL OF PERSONNEL; ESTABLISHING OPERATIVE DATES FOR CONSOLIDATION; PROVIDING FOR A REPEALING CLAUSE, SEVERABILITY CLAUSE, AND DESIGNATING AN EFFECTIVE DATE.

Councilman Steven Johnson
Councilman Johnson provided references to the City Charter and Code of Ordinances. He stated that the City needed to fill the position; however, the Fire Marshall position cannot be placed under the Police Department per the City's Code. The Code Enforcement Officers being placed under the Police Department would give them an extra bite to enforce our code.

Councilman Johnson asked that the position Fire Marshall out for employment, and that Code Enforcement and the Building Inspector be split. Code Enforcement should be moved to PD and the Building Inspector to remain in Public Works.

Councilman Johnson clarified that the Fire Marshall is not just anyone, it is a certified person that is a commissioned officer and should work with the Fire Department. Per the City's Code this position would not report to anyone but the mayor.

It was the consensus of Council consensus to finalize the budget before they moved forward with the Fire Marshall position.

Councilman Cornman wanted to have good justification for getting this position. He added that he did not favor moving the Fire Marshall position.

MOTION BY COUNCILMAN CORNMAN, SECOND BY COUNCILWOMAN ESTLINBAUM, TO MOVE CODE ENFORCEMENT TO THE POLICE DEPARTMENT. MOTION CARRIED BY UNANIMOUS VOTE.

Council was polled.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

ORDINANCE

Enacted and approved this 14th day of August, 2014, at Bay City

6. Public Hearing

PUBLIC HEARING TO DISCUSS TEXAS ENTERPRISE PROJECT DESIGNATION PROCESS AND BENEFITS UNDER THE TEXAS ENTERPRISE ZONE PROGRAM.

DC Dunham, BCCDC Executive Director
Mrs. Dunham provided an overview of what an enterprise zone was. The last one done was in 2008 with the NRG and the county took the leads. Since that time Tenaris is in the City's ETJ, the City had to take the lead.

The Public Hearing opened at 8:22 p.m.

David Torrez asked who was to say that Tenaris would not buy the equipment and then send it to another site. Mayor clarified that the City was not giving or cutting a check. Councilwoman Folse stated that the City still would receive its sales tax.

Ronnie Reeves stated that when he lived in California they had Enterprise Zones, and they were beneficial.

Mitch Thames stated that we needed to help them so that they can help us. He encouraged Council to move forward.

The Public Hearing closed at 8:29 p.m.

7. Report

FIRST READING OF AN ORDINANCE DECREEING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM, IDENTIFYING TAX INCENTIVES, DESIGNATING A CITY LIAISON FOR THE ENTERPRISE ZONE PROGRAM, AND NOMINATING TENARIS BAY CITY, INC., AS A TRIPLE JUMBO ENTERPRISE PROJECT.

DC Dunham, BCCDC Executive Director
Mayor took agenda items 5-7 through 5-9 at one time.

8. Ordinance

CONSIDER AND ACT UPON PASSAGE OF AN ORDINANCE DECREEING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM, IDENTIFYING TAX INCENTIVES, DESIGNATING A CITY LIAISON FOR THE ENTERPRISE ZONE PROGRAM, AND NOMINATING TENARIS BAY CITY, INC., AS A TRIPLE JUMBO ENTERPRISE PROJECT.

DC Dunham, BCCDC Executive Director
Council was polled.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

ORDINANCE

Enacted and approved this 14th day of August, 2014, at Bay City

9. Policy

CONSIDER AND/OR APPROVE, IF NECESSARY, AUTHORIZING MAYOR MARK BRICKER AND BAY CITY COMMUNITY DEVELOPMENT EXECUTIVE DIRECTOR DC DUNHAM TO EXECUTE TEXAS ENTERPRISE DESIGNATION NOMINATION APPLICATION FORMS ON BEHALF OF THE CITY OF BAY CITY.

DC Dunham, BCCDC Executive Director

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

Enacted and approved this 14th day of August, 2014, at Bay City

10. Contract

DISCUSS, CONSIDER OR APPROVE AUTHORIZING THE MAYOR TO SIGN THE US DEPARTMENT OF COMMERCE EDA FINANCIAL ASSISTANCE AWARD CONTRACT FOR $1,200,000 FOR INFRASTRUCTURE IMPROVEMENTS ON HWY 35.

D. C. Dunham
Mrs. Dunham explained that the Texas Capital Fund Grant was used a match for the EDA Grant.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Chrystal Folse, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

Enacted and approved this 14th day of August, 2014, at Bay City

11. Purchase

DISCUSS, CONSIDER AND / OR APPROVE MATCHING HISTORIC DOWNTOWN BUSINESS ASSOCIATION FUNDRAISING EFFORTS FOR LIGHTING AND DECORATIONS FOR CHRISTMAS AROUND THE COURTHOUSE SQUARE.

D C Dunham
Mrs.Dunham explained that the Historic Downtown Merchants had a fundraiser and raised $10,000. A display was provided of what was being proposed. The merchants would like to use a company that manufactures Christmas decorations for a 3-year contract. The merchants would commit 10k to have this company.

Council asked what the total cost for the undertaking. Mrs. Dunham stated that $10,000 would come from the merchants, $4,000 from county, and $6,000 from Main Street. Councilman Cornman clarified his previous question by asking if the City would be committing $6,000 per year for the next three years, with 6k beginning this current fiscal year.

Councilman Cornman believed it was more than making the City look good, but it also supported the downtown merchants.

MOTION BY COUNCILMAN CORNMAN, SECOND BY COUNCILMAN JOHNSON, TO FUND $6,000 FROM THE CURRENT FISCAL YEAR. MOTION CARRIED BY UNANIMOUS VOTE.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	William Cornman, Councilman
SECONDER:	Steven Johnson, Councilman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

Enacted and approved this 14th day of August, 2014, at Bay City

12. Report

DISCUSS, CONSIDER AND/OR APPROVE THE FORMATION OF A TASK FORCE TO STREAMLINE THE CITY'S APPLICATION AND APPROVAL PROCESS FOR BUILDERS AND/OR DEVELOPERS THAT ARE INTERESTED IN CONSTRUCTION PROJECTS WITHIN THE CITY LIMITS AND ETJ.

Councilman Bill Cornman
Councilman Cornman stated that the City's approval and application process was very difficult to navigate. He stated that he received that comment from countless people. He suggested that the City interview developers here and speak with others that have done this and put this in place.

Council thought it was a great idea.

Councilman Cornman stated that Mrs. Dunham dealt with it with the Planning Commission and that they would handle the process.

MOTION BY COUNCILMAN CORNMAN, SECOND BY MAYOR PRO TEM THAMES, TO APPROVE THE FORMATION OF A TASK FORCE TO STREAMLINE THE CITY'S APPLICATION AND APPROVAL PROCESS FOR BUILDERS AND/OR DEVELOPERS THAT ARE INTERESTED IN CONSTRUCTION PROJECTS WITHIN THE CITY OF BAY CITY AND ITS ETJ. MOTION CARRIED BY UNANIMOUS VOTE.

6. EXECUTIVE SESSION

1. Report

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 CITY COUNCIL SHALL CONVENE IN CLOSED SESSION FOR CONSULTATION WITH THE CITY ATTORNEY REGARDING ALLEGED PAST AND ONGOING MUNICIPAL AND BUILDING CODE VIOLATIONS AT 1728 6TH STREET, BAY CITY, TEXAS.

Mayor adjourned from Open Session at 8:56 p.m.

7. OPEN SESSION

1. Report

CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY CONSIDER AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE FOR CONSIDERATION/DISCUSSION IN EXECUTIVE SESSION (IF NECESSARY).

Mayor reconvened into Open Session at 9:42 p.m.

No motions.

8. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Johnson thanked everyone for the birthday wishes.

Councilman Cornman pointed out that there were two items missing from the agenda, he hoped they were on the next agenda. He also wanted language added to the agenda that would allow Council to discuss new business.

Mayor Pro Tem Thames asked that the shooting range item be added to the next agenda.

Councilwoman Folse wanted to make sure that Sanitation be placed on the next agenda.

9. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:
The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials:
It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be Agenda City Council August 8, 2013 in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:
This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

This is to certify that the above notice of a Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Monday, August 11, 2014, before 7:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

____
Rhonda Clegg
City Secretary

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1582

AGENDA ITEM (ID # 1582)

FINANCIAL STATEMENT AS OF JANUARY 31, 2014.

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City of Bay City
Financial Statement
As of January 31, 2014

General Fund (Fund 11)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 3,442,500	$ 1,147,500	$ 1,989,340	$ 841,840	58%
Other Local Taxes	4,462,975	1,487,658	1,369,523	(118,136)	31%
Fines & Penalties	438,000	146,000	66,109	(79,891)	15%
Licenses & Permits	100,200	33,400	35,303	1,903	35%
Miscellaneous	3,261,304	1,087,101	808,832	(278,269)	25%
Transfers	113,126	37,709	34,626	(3,083)	31%
Other Revenue	62,700	20,900	3,859	(17,041)	6%
Total Revenues	$ 11,880,805	$ 3,960,268	$ 4,307,590	$ 347,322	36%
Expenditures					
City Secretary	$ 253,259	$ 84,420	$ 94,928	$ 10,508	37%
City General Services	2,623,982	874,661	1,023,403	148,742	39%
Administrative Council	240,769	80,256	69,311	(10,945)	29%
Main Street	46,472	15,491	12,522	(2,968)	27%
Municipal Court	497,013	165,671	235,888	70,217	47%
Finance	243,914	81,305	86,151	4,846	35%
Code Enforcement	346,747	115,582	75,364	(40,219)	22%
Police	3,896,208	1,298,736	1,300,868	2,132	33%
Animal Impoundment	151,696	50,565	39,219	(11,346)	26%
Volunteer Fire Dept.	215,656	71,885	35,424	(36,461)	16%
Public Works	2,747,510	915,837	401,134	(514,703)	15%
Service Center	65,164	21,721	22,088	366	34%
Parks	534,399	178,133	141,559	(36,574)	26%
Riverside Park	180,447	60,149	50,018	(10,131)	28%
Recreation	120,493	40,164	18,018	(22,146)	15%
Swimming Pools	165,250	55,083	17,144	(37,939)	10%
Teen Center	7,500	2,500	1,234	(1,266)	16%
Total Expenditures	$ 12,336,479	$ 4,112,160	$ 3,624,274	$ (487,885)	29%
Net Revenue (Expenditures)	$ (455,674)	$ (151,891)	$ 683,316	$ 835,207	
Beginning Fund Balance	$ 3,055,285	$ 3,055,285	$ 2,748,862		
Ending Fund Balance	$ 2,599,611	$ 2,903,394	$ 3,432,178		

City of Bay City
Financial Statement
As of January 31, 2014

Emergency & Disaster Recovery Fund (Fund 23)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Utility Fees	$ -	$ -	$ (6)	$ (6)	N/A
Interest	-	-	132	132	N/A
Total Revenues	$ -	$ -	$ 125	$ 125	N/A
Expenditures					
Bad Debt	$ -	$ -	$ (15)	$ (15)	N/A
Total Expenditures	$ -	$ -	$ (15)	$ (15)	
Net Revenue (Expenditures)	$ -	$ -	$ 140	$ 140	
Beginning Fund Balance	$ 555,689	$ 555,689	$ 554,921		
Ending Fund Balance	$ 555,689	$ 555,689	$ 555,061		

City of Bay City
Financial Statement
As of January 31, 2014

Civic & Cultural Arts Fund (Fund 25)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Hotel Occupancy Tax	$ 415,000	138,333	$ 166,834	$ 28,501	40%
Miscellaneous	77,650	25,883	19,427	(6,457)	25%
Total Revenues	$ 492,650	$ 164,217	186,261	$ 22,044	38%
Expenditures					
Civic & Cultural Art	$ 46,471	$ 15,490	$ 12,407	$ (3,083)	27%
Convention & Visitors Bureau	201,300	67,100	78,044	10,944	39%
Civic Center	262,750	87,583	79,575	(8,009)	30%
Matagorda County Museum	48,000	16,000	48,000	32,000	100%
Total Expenditures	$ 558,521	$ 186,174	$ 218,026	$ 31,852	39%
Net Revenue (Expenditures)	$ (65,871)	$ (21,957)	$ (31,765)	$ (9,808)	
Beginning Fund Balance	$ 200,149	$ 200,149	$ 221,561		
Ending Fund Balance	$ 134,278	$ 178,192	189,796		

City of Bay City
Financial Statement
As of January 31, 2014

Police Forfeiture Fund (Fund 24)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ 25	$ 2	$ 13	$ 10	50%
Forfeiture Revenue	5,000	417	-	(417)	0%
Total Revenues	$ 5,025	$ 419	$ 13	$ (406)	0%
Expenditures					
Personnel	$ 1,000	$ 333	$ -	$ (333)	0%
Supplies & Materials	2,500	833	-	(833)	N/A
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	5,000	1,667	-	(1,667)	0%
Total Expenditures	$ 8,500	$ 2,833	-	$ (2,833)	0%
Net Revenue (Expenditures)	$ (3,475)	$ (2,415)	$ 13	$ 2,427	
Beginning Fund Balance	$ 23,286	$ 23,286	$ 46,024		
Ending Fund Balance	$ 19,811	$ 20,871	$ 46,037		

City of Bay City
Financial Statement
As of January 31, 2014

Municipal Court Technology Fund (Fund 29)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Court Technology Fee	$ 8,000	$ 2,667	$ 1,543	$ (1,124)	19%
Interest	-	-	13	13	N/A
Total Revenues	$ 8,000	$ 2,667	$ 1,556	$ (1,111)	19%
Expenditures					
Supplies & Materials	$ 700	$ 233	$ -	$ (233)	N/A
Other Charges & Services	20,300	6,767	3,211	(3,556)	16%
Repairs & Maintenance	-	-	-	-	N/A
Total Expenditures	$ 21,000	$ 7,000	$ 3,211	$ (3,789)	15%
Net Revenue (Expenditures)	$ (13,000)	$ (4,333)	$ (1,656)	$ 2,678	
Beginning Fund Balance	$ 46,939	$ 46,939	$ 53,871		
Ending Fund Balance	$ 33,939	$ 42,606	52,215		

Attachment: Financial Reports 1-31-14 (1582 : Financial Statement as of January 31, 2014)

City of Bay City
Financial Statement
As of January 31, 2014

Municipal Court Building Security Fund (Fund 27)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Building Security Fee	$ 6,000	$ 2,000	$ 1,157	$ (843)	19%
Interest	-	-	12	12	N/A
Total Revenues	$ 6,000	$ 2,000	1,168	$ (832)	19%
Expenditures					
Personnel	$ 8,700	$ 2,900	$ 936	$ (1,964)	11%
Total Expenditures	$ 8,700	$ 2,900	936	$ (1,964)	11%
Net Revenue (Expenditures)	$ (2,700)	$ (900)	$ 233	$ 1,133	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 47,704		
Ending Fund Balance	$ 40,863	$ 42,663	47,937		

City of Bay City
Financial Statement
As of January 31, 2014

Donation Fund (Fund 21)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 24	$ 24	N/A
Grants	34,400	11,467	-	(11,467)	0%
USO Restoration Donations	-	-	-	-	#DIV/0!
KBCB Donations	-	-	-	-	N/A
Train Depot Donations	-	-	3,000	3,000	N/A
Animal Impoundment Donations	-	-	15	15	N/A
Total Revenues	$ 34,400	$ 11,467	3,039	$ (8,427)	
Expenditures					
USO Restoration	$ 34,400	$ 11,467	$ -	$ (11,467)	N/A
KBCB	-	-	-	-	N/A
Transfer to Other Funds	-	-	-	-	N/A
Animal Impoundment	-	-	-	-	N/A
Total Expenditures	$ 34,400	$ 11,467	-	$ (11,467)	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 3,039	$ 3,039	
Beginning Fund Balance	$ 63,532	$ 63,532	$ 72,230		
Ending Fund Balance	$ 63,532	$ 63,532	75,270		

City of Bay City
Financial Statement
As of January 31, 2014

Library Fund (Fund 26)

Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Fines	$ 7,000	$ 2,333	$ 2,360	$ 26	34%
Interest	-	-	19	19	N/A
Rental Proceeds	78,840	26,280	19,710	(6,570)	25%
Grants	-	-	4,940	-	N/A
Donations	10,000	3,333	-	(3,333)	0%
County Funding	200,000	66,667	100,000	33,333	50%
Other Income-Other Entitiy	5,000	1,667	-	(1,667)	0%
Other Income	16,000	5,333	14,474	9,141	90%
Transfer from General Fund	131,480	43,827	43,827	0	33%
Total Revenues	$ 448,320	$ 149,440	185,330	$ 30,950	41%
Expenditures					
Personnel	$ 250,149	$ 83,383	$ 78,357	$ (5,026)	31%
Supplies & Materials	61,878	20,626	35,562	14,936	57%
Other Charges & Services	124,235	41,412	38,711	(2,700)	31%
Repairs & Maintenance	15,000	5,000	5,454	454	36%
Total Expenditures	$ 451,262	$ 150,421	158,084	$ 7,663	35%
Net Revenue (Expenditures)	$ (2,942)	$ (981)	$ 27,246	$ 23,287	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 43,653		
Ending Fund Balance	$ 40,621	$ 42,582	70,899		

City of Bay City
Financial Statement
As of January 31, 2014

Police Task Force Fund (Fund 30)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 294	$ 294	N/A
County Funding	-	-	-	-	N/A
City Funding	-	-	-	-	N/A
Total Revenues	$ -	$ -	$ 294	$ 294	N/A
Expenditures					
Personnel	$ -	$ -	$ 171	$ 171	N/A
Supplies & Materials	-	-	-	-	N/A
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	-	-	-	-	N/A
Total Expenditures	$ -	$ -	171	$ 171	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 123	$ 123	
Beginning Fund Balance	$ 20,000	$ 20,000	$ 9,967		
Ending Fund Balance	$ 20,000	$ 20,000	$ 10,090		

City of Bay City
Financial Statement
As of January 31, 2014

Utility Fund (Fund 61)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 6,759,500	$ 2,253,167	$ 2,053,728	$ (199,438)	30%
Fines & Penalities	-	-	-	-	N/A
License & Permits	-	-	(150)	(150)	N/A
Miscellaneous	815,000	271,667	77,994	(193,673)	10%
Total Revenues	$ 7,574,500	$ 2,524,833	2,131,572	$ (393,261)	28%
Expenditures					
General Operation	$ 4,329,048	$ 1,443,016	$ 1,298,900	$ (144,116)	30%
Water	923,925	307,975	146,756	(161,219)	16%
Sewer	2,471,790	823,930	478,914	(345,016)	19%
Electrical Division	-	-	-	-	N/A
Inspection Division	-	-	-	-	N/A
Warehouse Operations	49,100	16,367	11,921	(4,446)	24%
Total Expenditures	$ 7,773,863	$ 2,591,288	1,936,490	$ (654,797)	25%
Net Revenue (Expenditures)	$ (199,363)	$ (66,454)	$ 195,082	$ 261,536	
Beginning Fund Balance	$ 1,490,351	$ 1,490,351	$ 22,027,155		
Ending Fund Balance	$ 1,290,988	$ 1,423,897	$ 22,222,237		

City of Bay City
Financial Statement
As of January 31, 2014

Utility Debt Service Fund (Fund 63)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 61	$ 61	N/A
Transfer from General Fund	103,050	34,350	34,350	-	33%
Transfer from Utility Fund	910,950	303,650	303,650	-	33%
Transfer from Const. Fund	-	-	-	-	N/A
Total Revenues	$ 1,014,000	$ 338,000	338,061	$ 61	33%
Expenditures					
Other Charges & Services	$ 2,000	$ 667	$ -	$ (667)	0%
Debt Service	1,012,000	337,333	-	(337,333)	0%
Total Expenditures	$ 1,014,000	$ 338,000	$ -	$ (338,000)	0%
Net Revenue (Expenditures)	$ -	$ -	$ 338,061	$ 338,061	
Beginning Fund Balance	$ 365,872	$ 365,872	$ 143,470		
Ending Fund Balance	$ 365,872	$ 365,872	481,532		

City of Bay City
Financial Statement
As of January 31, 2014

Municipal Airport Fund (Fund 64)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Miscellaneous	$ 85,900	$ 28,633	$ 29,855	$ 1,221	35%
Transfers	120,464	40,155	40,155	0	33%
Other Revenue	155,000	51,667	85,337	33,670	55%
Cost of Fuel	(120,000)	(40,000)	(83,216)	(43,216)	69%
Total Revenues	$ 241,364	$ 80,455	72,130	$ (8,325)	30%
Expenditures					
Personnel	$ 99,106	$ 33,035	$ 29,936	$ (3,099)	30%
Supplies & Materials	8,300	2,767	2,633	(134)	32%
Other Charges & Services	61,400	20,467	15,709	(4,758)	26%
Repairs & Maintenance	16,000	5,333	4,159	(1,174)	26%
Capital Expenditures	78,000	6,500	19,690	13,190	25%
Total Expenditures	$ 262,806	$ 68,102	72,127	$ 4,025	27%
Net Revenue (Expenditures)	$ (21,442)	$ 12,353	$ 3	$ (12,349)	
Beginning Fund Balance	$ 61,923	$ 61,923	$ 44,962		
Ending Fund Balance	$ 40,481	$ 74,276	44,966		

City of Bay City
Financial Statement
As of January 31, 2014

Sanitation Fund (Fund 75)

Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 29,100	$ 9,700	$ 442,075	$ 432,375	1519%
Miscellaneous	-	-	1,866,786	1,866,786	N/A
Other Revenue	-	-	4,860	4,860	N/A
Total Revenues	$ 29,100	$ 9,700	2,313,721	$ 2,304,021	7951%
Expenditures					
Administration	$ 1,802,288	$ 600,763	$ 54,448	$ (546,314)	N/A
Residential	-	-	90,979	90,979	N/A
Commercial	-	-	80,342	80,342	N/A
Recycling	-	-	146	146	N/A
Transfer Station	87,245	29,082	123,761	94,680	142%
Total Expenditures	$ 1,889,533	$ 629,844	349,677	$ (280,168)	19%
Net Revenue (Expenditures)	$ (1,860,433)	$ (620,144)	$ 1,964,044	$ 2,584,188	
Beginning Fund Balance	$ 2,177,681	$ 2,177,681	$ 543,685		
Ending Fund Balance	$ 317,248	$ 1,557,537	2,507,729		

City of Bay City
Financial Statement
As of January 31, 2014

Debt Service Fund (Fund 80)

Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 405,447	$ 135,149	$ 232,939	$ 97,790	57%
Miscellaneous	-	-	43	43	N/A
Transfers	2,019,823	673,274	79,178	(594,096)	4%
Total Revenues	$ 2,425,270	$ 808,423	312,160	$ (496,263)	13%
Expenditures					
Debt Service	$ 933,344	$ 311,115	$ -	$ (311,115)	0%
Total Expenditures	$ 933,344	$ 311,115	$ -	$ (311,115)	0%
Net Revenue (Expenditures)	$ 1,491,926	$ 497,309	$ 312,160	$ (185,148)	
Beginning Fund Balance	$ 34,567	$ 34,567	$ 30,568		
Ending Fund Balance	$ 1,526,493	$ 531,876	$ 342,729		

Attachment: Financial Reports 1-31-14 (1582 : Financial Statement as of January 31, 2014)

City of Bay City
Financial Statement
As of January 31, 2014

Information Services Fund (Fund 81)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 71	$ 71	N/A
Transfers	667,330	222,443	216,490	(5,954)	32%
Other Revenue	-	-	69	69	N/A
Total Revenues	$ 667,330	$ 222,443	$ 216,629	$ (5,814)	32%
Expenditures					
Personnel	$ 243,943	$ 81,314	$ 75,752	$ (5,563)	31%
Supplies & Materials	31,600	10,533	8,470	(2,063)	27%
Other Charges & Services	226,897	75,632	73,406	(2,227)	32%
Repairs & Maintenance	43,392	14,464	4,478	(9,986)	10%
Capital Outlay	121,500	40,500	55,897	15,397	46%
Total Expenditures	$ 667,332	$ 222,444	218,002	$ (4,442)	33%
Net Revenue (Expenditures)	$ (2)	$ (1)	$ (1,373)	$ (1,372)	
Beginning Fund Balance	$ 291	$ 291	112,875		
Ending Fund Balance	$ 289	$ 290	111,502		

City of Bay City
Financial Statement
As of January 31, 2014

Maintenance Fund (Fund 82)
Percent of Fiscal Year Complete 33%

	Total Budget	Budget as of 1 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 218	$ 218	N/A
Transfers	526,100	175,367	149,933	(25,434)	28%
Other Revenue	-	-	216	216	N/A
Total Revenues	$ 526,100	$ 175,367	$ 150,366	$ (25,000)	29%
Expenditures					
Equipment Maintenance	$ 247,723	$ 82,574	$ 82,095	$ (479)	33%
Facility Maintenance	317,848	105,949	70,187	(35,762)	22%
Total Expenditures	$ 565,571	$ 188,524	152,282	$ (36,241)	27%
Net Revenue (Expenditures)	$ (39,471)	$ (13,157)	$ (1,916)	$ 11,241	
Beginning Fund Balance	$ (5,361)	$ (5,361)	7,724		
Ending Fund Balance	$ (44,832)	$ (18,518)	5,808		

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1583

AGENDA ITEM (ID # 1583)

FINANCIAL STATEMENT FOR FEBRUARY 28, 2014.

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City of Bay City
Financial Statement
As of February 28, 2014

General Fund (Fund 11)
Percent of Fiscal Year Complete 42%

		Total Budget		Budget as of 2 - 14		Actuals		Over(Under) Budget to Date	Percent to Total Budget
Revenues									
Property Taxes	$	3,442,500	$	1,434,375	$	3,037,931	$	1,603,556	88%
Other Local Taxes		4,462,975		1,859,573		1,846,164		(13,409)	41%
Fines & Penalties		438,000		182,500		96,839		(85,661)	22%
Licenses & Permits		100,200		41,750		35,448		(6,302)	35%
Miscellaneous		3,261,304		1,358,877		1,154,441		(204,436)	35%
Transfers		113,126		47,136		42,162		(4,974)	37%
Other Revenue		62,700		26,125		5,669		(20,456)	9%
Total Revenues	$	11,880,805	$	4,950,335	$	6,218,654	$	1,268,318	52%
Expenditures									
City Secretary	$	253,259	$	105,525	$	114,982	$	9,457	45%
City General Services		2,623,982		1,093,326		1,244,646		151,320	47%
Administrative Council		240,769		100,320		85,299		(15,022)	35%
Main Street		46,472		19,363		14,504		(4,859)	31%
Municipal Court		497,013		207,089		257,608		50,520	52%
Finance		243,914		101,631		103,899		2,268	43%
Code Enforcement		346,747		144,478		96,447		(48,031)	28%
Police		3,896,208		1,623,420		1,598,443		(24,977)	41%
Animal Impoundment		151,696		63,207		49,377		(13,829)	33%
Volunteer Fire Dept.		215,656		89,857		42,954		(46,903)	20%
Public Works		2,747,510		1,144,796		850,563		(294,232)	31%
Service Center		65,164		27,152		26,039		(1,113)	40%
Parks		534,399		222,666		172,587		(50,079)	32%
Riverside Park		180,447		75,186		64,041		(11,145)	35%
Recreation		120,493		50,205		21,746		(28,459)	18%
Swimming Pools		165,250		68,854		38,259		(30,595)	23%
Teen Center		7,500		3,125		1,586		(1,539)	21%
Total Expenditures	$	12,336,479	$	5,140,200	$	4,782,982	$	(357,217)	39%
Net Revenue (Expenditures)	$	(455,674)	$	(189,864)	$	1,435,672	$	1,625,536	
Beginning Fund Balance	$	3,055,285	$	3,055,285	$	2,748,862			
Ending Fund Balance	$	2,599,611	$	2,865,421	$	4,184,533			

City of Bay City
Financial Statement
As of February 28, 2014

Emergency & Disaster Recovery Fund (Fund 23)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Utility Fees	$ -	$ -	$ (6)	$ (6)	N/A
Interest	-	-	162	162	N/A
Total Revenues	$ -	$ -	$ 156	$ 156	N/A
Expenditures					
Bad Debt	$ -	$ -	$ (31)	$ (31)	N/A
Total Expenditures	$ -	$ -	$ (31)	$ (31)	
Net Revenue (Expenditures)	$ -	$ -	$ 186	$ 186	
Beginning Fund Balance	$ 555,689	$ 555,689	$ 554,921		
Ending Fund Balance	$ 555,689	$ 555,689	$ 555,107		

City of Bay City
Financial Statement
As of February 28, 2014

Civic & Cultural Arts Fund (Fund 25)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Hotel Occupancy Tax	$ 415,000	172,917	$ 220,396	$ 47,479	53%
Miscellaneous	77,650	32,354	24,368	(7,986)	31%
Total Revenues	$ 492,650	$ 205,271	244,764	$ 39,493	50%
Expenditures					
Civic & Cultural Art	$ 46,471	$ 19,363	$ 14,389	$ (4,974)	31%
Convention & Visitors Bureau	201,300	83,875	90,804	6,929	45%
Civic Center	262,750	109,479	102,038	(7,441)	39%
Matagorda County Museum	48,000	20,000	48,000	28,000	100%
Total Expenditures	$ 558,521	$ 232,717	$ 255,231	$ 22,514	46%
Net Revenue (Expenditures)	$ (65,871)	$ (27,446)	$ (10,467)	$ 16,979	
Beginning Fund Balance	$ 200,149	$ 200,149	$ 221,561		
Ending Fund Balance	$ 134,278	$ 172,703	211,094		

City of Bay City
Financial Statement
As of February 28, 2014

Police Forfeiture Fund (Fund 24)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ 25	$ 2	$ 15	$ 13	62%
Forfeiture Revenue	5,000	417	2,308	1,891	46%
Total Revenues	$ 5,025	$ 419	$ 2,323	$ 1,905	46%
Expenditures					
Personnel	$ 1,000	$ 417	$ -	$ (417)	0%
Supplies & Materials	2,500	1,042	300	(742)	12%
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	5,000	2,083	-	(2,083)	0%
Total Expenditures	$ 8,500	$ 3,542	300	$ (3,242)	4%
Net Revenue (Expenditures)	$ (3,475)	$ (3,123)	$ 2,023	$ 5,146	
Beginning Fund Balance	$ 23,286	$ 23,286	$ 46,024		
Ending Fund Balance	$ 19,811	$ 20,163	$ 48,048		

City of Bay City
Financial Statement
As of February 28, 2014

Municipal Court Technology Fund (Fund 29)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Court Technology Fee	$ 8,000	$ 3,333	$ 2,185	$ (1,148)	27%
Interest	-	-	16	16	N/A
Total Revenues	$ 8,000	$ 3,333	$ 2,201	$ (1,132)	28%
Expenditures					
Supplies & Materials	$ 700	$ 292	$ -	$ (292)	N/A
Other Charges & Services	20,300	8,458	4,602	(3,856)	23%
Repairs & Maintenance	-	-	-	-	N/A
Total Expenditures	$ 21,000	$ 8,750	$ 4,602	$ (4,148)	22%
Net Revenue (Expenditures)	$ (13,000)	$ (5,417)	$ (2,401)	$ 3,016	
Beginning Fund Balance	$ 46,939	$ 46,939	$ 53,871		
Ending Fund Balance	$ 33,939	$ 41,522	51,470		

Attachment: Financial Reports 2-28-14 (1583 : Financial Statement for February 28, 2014)

City of Bay City
Financial Statement
As of February 28, 2014

Municipal Court Building Security Fund (Fund 27)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Building Security Fee	$ 6,000	$ 2,500	$ 1,638	$ (862)	27%
Interest	-	-	14	14	N/A
Total Revenues	$ 6,000	$ 2,500	1,653	$ (847)	28%
Expenditures					
Personnel	$ 8,700	$ 3,625	$ 1,011	$ (2,614)	12%
Total Expenditures	$ 8,700	$ 3,625	1,011	$ (2,614)	12%
Net Revenue (Expenditures)	$ (2,700)	$ (1,125)	$ 642	$ 1,767	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 47,704		
Ending Fund Balance	$ 40,863	$ 42,438	48,346		

City of Bay City
Financial Statement
As of February 28, 2014

Donation Fund (Fund 21)
Percent of Fiscal Year Complete 42%

		Total Budget		Budget as of 2 - 14		Actuals		Over(Under) Budget to Date	Percent to Total Budget
Revenues									
Interest	$	-	$	-	$	30	$	30	N/A
Grants		34,400		14,333		-		(14,333)	0%
USO Restoration Donations		-		-		-		-	#DIV/0!
KBCB Donations		-		-		-		-	N/A
Train Depot Donations		-		-		3,000		3,000	N/A
Animal Impoundment Donations		-		-		15		15	N/A
Total Revenues	$	34,400	$	14,333		3,045	$	(11,288)	
Expenditures									
USO Restoration	$	34,400	$	14,333	$	-	$	(14,333)	N/A
KBCB		-		-		-		-	N/A
Transfer to Other Funds		-		-		-		-	N/A
Animal Impoundment		-		-		-		-	N/A
Total Expenditures	$	34,400	$	14,333		-	$	(14,333)	N/A
Net Revenue (Expenditures)	$	-	$	-	$	3,045	$	3,045	
Beginning Fund Balance	$	63,532	$	63,532	$	72,230			
Ending Fund Balance	$	63,532	$	63,532		75,275			

City of Bay City
Financial Statement
As of February 28, 2014

Library Fund (Fund 26)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Fines	$ 7,000	$ 2,917	$ 3,288	$ 371	47%
Interest	-	-	23	23	N/A
Rental Proceeds	78,840	32,850	32,850	-	42%
Grants	-	-	5,567	-	N/A
Donations	10,000	4,167	108	(4,059)	1%
County Funding	200,000	83,333	100,000	16,667	50%
Other Income-Other Entitiy	5,000	2,083	-	(2,083)	0%
Other Income	16,000	6,667	15,216	8,549	95%
Transfer from General Fund	131,480	54,783	54,783	0	42%
Total Revenues	$ 448,320	$ 186,800	211,836	$ 19,468	47%
Expenditures					
Personnel	$ 250,149	$ 104,229	$ 97,469	$ (6,760)	39%
Supplies & Materials	61,878	25,783	38,853	13,071	63%
Other Charges & Services	124,235	51,765	54,584	2,819	44%
Repairs & Maintenance	15,000	6,250	5,454	(796)	36%
Total Expenditures	$ 451,262	$ 188,026	196,360	$ 8,334	44%
Net Revenue (Expenditures)	$ (2,942)	$ (1,226)	$ 15,476	$ 11,135	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 43,653		
Ending Fund Balance	$ 40,621	$ 42,337	59,129		

City of Bay City
Financial Statement
As of February 28, 2014

Police Task Force Fund (Fund 30)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 296	$ 296	N/A
County Funding	-	-	-	-	N/A
City Funding	-	-	-	-	N/A
Total Revenues	$ -	$ -	$ 296	$ 296	N/A
Expenditures					
Personnel	$ -	$ -	$ 171	$ 171	N/A
Supplies & Materials	-	-	-	-	N/A
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	-	-	-	-	N/A
Total Expenditures	$ -	$ -	171	$ 171	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 124	$ 124	
Beginning Fund Balance	$ 20,000	$ 20,000	$ 9,967		
Ending Fund Balance	$ 20,000	$ 20,000	$ 10,091		

City of Bay City
Financial Statement
As of February 28, 2014

Utility Fund (Fund 61)

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Percent of Fiscal Year Complete	42%				
Revenues					
Charges for Services	$ 6,759,500	$ 2,816,458	$ 2,557,642	$ (258,816)	38%
Fines & Penalities	-	-	50	50	N/A
License & Permits	-	-	7,554	7,554	N/A
Miscellaneous	815,000	339,583	80,844	(258,740)	10%
Total Revenues	$ 7,574,500	$ 3,156,042	2,646,089	$ (509,952)	35%
Expenditures					
General Operation	$ 4,329,048	$ 1,803,770	$ 1,605,672	$ (198,098)	37%
Water	923,925	384,969	197,488	(187,481)	21%
Sewer	2,471,790	1,029,913	558,347	(471,566)	23%
Electrical Division	-	-	-	-	N/A
Inspection Division	-	-	-	-	N/A
Warehouse Operations	49,100	20,458	15,135	(5,324)	31%
Total Expenditures	$ 7,773,863	$ 3,239,110	2,376,641	$ (862,469)	31%
Net Revenue (Expenditures)	$ (199,363)	$ (83,068)	$ 269,449	$ 352,516	
Beginning Fund Balance	$ 1,490,351	$ 1,490,351	$ 22,027,155		
Ending Fund Balance	$ 1,290,988	$ 1,407,283	$ 22,296,603		

City of Bay City
Financial Statement
As of February 28, 2014

Utility Debt Service Fund (Fund 63)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 78	$ 78	N/A
Transfer from General Fund	103,050	42,938	42,938	-	42%
Transfer from Utility Fund	910,950	379,563	379,563	-	42%
Transfer from Const. Fund	-	-	-	-	N/A
Total Revenues	$ 1,014,000	$ 422,500	422,578	$ 78	42%
Expenditures					
Other Charges & Services	$ 2,000	$ 833	$ -	$ (833)	0%
Debt Service	1,012,000	421,667	-	(421,667)	0%
Total Expenditures	$ 1,014,000	$ 422,500	$ -	$ (422,500)	0%
Net Revenue (Expenditures)	$ -	$ -	$ 422,578	$ 422,578	
Beginning Fund Balance	$ 365,872	$ 365,872	$ 143,470		
Ending Fund Balance	$ 365,872	$ 365,872	566,048		

City of Bay City
Financial Statement
As of February 28, 2014

Municipal Airport Fund (Fund 64)
Percent of Fiscal Year Complete 42%

		Total Budget		Budget as of 2 - 14		Actuals		Over(Under) Budget to Date	Percent to Total Budget
Revenues									
Miscellaneous	$	85,900	$	35,792	$	35,579	$	(212)	41%
Transfers		120,464		50,193		50,193		0	42%
Other Revenue		155,000		64,583		95,525		30,942	62%
Cost of Fuel		(120,000)		(50,000)		(83,216)		(33,216)	69%
Total Revenues	$	241,364	$	100,568		98,082	$	(2,487)	41%
Expenditures									
Personnel	$	99,106	$	41,294	$	36,675	$	(4,619)	37%
Supplies & Materials		8,300		3,458		3,266		(193)	39%
Other Charges & Services		61,400		25,583		18,407		(7,176)	30%
Repairs & Maintenance		16,000		6,667		4,175		(2,492)	26%
Capital Expenditures		78,000		6,500		33,237		26,737	43%
Total Expenditures	$	262,806	$	83,503		95,760	$	12,257	36%
Net Revenue (Expenditures)	$	(21,442)	$	17,066	$	2,322	$	(14,744)	
Beginning Fund Balance	$	61,923	$	61,923	$	44,962			
Ending Fund Balance	$	40,481	$	78,989		47,284			

City of Bay City
Financial Statement
As of February 28, 2014

Sanitation Fund (Fund 75)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 29,100	$ 12,125	$ 442,075	$ 429,950	1519%
Miscellaneous	-	-	1,866,924	1,866,924	N/A
Other Revenue	-	-	6,855	6,855	N/A
Total Revenues	$ 29,100	$ 12,125	2,315,854	$ 2,303,729	7958%
Expenditures					
Administration	$ 1,802,288	$ 750,953	$ 54,448	$ (696,505)	N/A
Residential	-	-	93,645	93,645	#DIV/0!
Commercial	-	-	89,141	89,141	N/A
Recycling	-	-	226	226	N/A
Transfer Station	87,245	36,352	133,342	96,990	153%
Total Expenditures	$ 1,889,533	$ 787,305	370,802	$ (416,504)	20%
Net Revenue (Expenditures)	$ (1,860,433)	$ (775,180)	$ 1,945,052	$ 2,720,232	
Beginning Fund Balance	$ 2,177,681	$ 2,177,681	$ 543,685		
Ending Fund Balance	$ 317,248	$ 1,402,501	2,488,737		

City of Bay City
Financial Statement
As of February 28, 2014

Debt Service Fund (Fund 80)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 405,447	$ 168,936	$ 356,055	$ 187,119	88%
Miscellaneous	-	-	70	70	N/A
Transfers	2,019,823	841,593	98,973	(742,620)	5%
Total Revenues	$ 2,425,270	$ 1,010,529	455,098	$ (555,431)	19%
Expenditures					
Debt Service	$ 933,344	$ 388,893	$ 3,974	$ (384,919)	0%
Total Expenditures	$ 933,344	$ 388,893	$ 3,974	$ (384,919)	0%
Net Revenue (Expenditures)	$ 1,491,926	$ 621,636	$ 451,124	$ (170,511)	
Beginning Fund Balance	$ 34,567	$ 34,567	$ 30,568		
Ending Fund Balance	$ 1,526,493	$ 656,203	$ 481,693		

City of Bay City
Financial Statement
As of February 28, 2014

Information Services Fund (Fund 81)

Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 71	$ 71	N/A
Transfers	667,330	278,054	254,344	(23,710)	38%
Other Revenue	-	-	69	69	N/A
Total Revenues	$ 667,330	$ 278,054	$ 254,483	$ (23,571)	38%
Expenditures					
Personnel	$ 243,943	$ 101,643	$ 92,623	$ (9,020)	38%
Supplies & Materials	31,600	13,167	8,810	(4,357)	28%
Other Charges & Services	226,897	94,540	84,095	(10,445)	37%
Repairs & Maintenance	43,392	18,080	4,478	(13,602)	10%
Capital Outlay	121,500	50,625	65,915	15,290	54%
Total Expenditures	$ 667,332	$ 278,055	255,921	$ (22,134)	38%
Net Revenue (Expenditures)	$ (2)	$ (1)	$ (1,437)	$ (1,437)	
Beginning Fund Balance	$ 291	$ 291	112,875		
Ending Fund Balance	$ 289	$ 290	111,438		

City of Bay City
Financial Statement
As of February 28, 2014

Maintenance Fund (Fund 82)
Percent of Fiscal Year Complete 42%

	Total Budget	Budget as of 2 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 218	$ 218	N/A
Transfers	526,100	219,208	182,880	(36,328)	35%
Other Revenue	-	-	216	216	N/A
Total Revenues	$ 526,100	$ 219,208	$ 183,315	$ (35,894)	35%
Expenditures					
Equipment Maintenance	$ 247,723	$ 103,218	$ 98,589	$ (4,629)	40%
Facility Maintenance	317,848	132,437	86,679	(45,757)	27%
Total Expenditures	$ 565,571	$ 235,655	185,269	$ (50,386)	33%
Net Revenue (Expenditures)	$ (39,471)	$ (16,446)	$ (1,954)	$ 14,492	
Beginning Fund Balance	$ (5,361)	$ (5,361)	7,724		
Ending Fund Balance	$ (44,832)	$ (21,807)	5,769		

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1584

AGENDA ITEM (ID # 1584)

FINANCIAL STATEMENT AS OF MARCH 31, 2014.

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City of Bay City
Financial Statement
As of March 31, 2014

General Fund (Fund 11)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 3,442,500	$ 1,721,250	$ 3,164,991	$ 1,443,741	92%
Other Local Taxes	4,462,975	2,231,488	2,166,261	(65,227)	49%
Fines & Penalties	438,000	219,000	131,428	(87,572)	30%
Licenses & Permits	100,200	50,100	40,447	(9,653)	40%
Miscellaneous	3,261,304	1,630,652	1,421,673	(208,979)	44%
Transfers	113,126	56,563	49,757	(6,806)	44%
Other Revenue	62,700	31,350	5,804	(25,546)	9%
Total Revenues	$ 11,880,805	$ 5,940,403	$ 6,980,360	$ 1,039,958	59%
Expenditures					
City Secretary	$ 253,259	$ 126,630	$ 139,917	$ 13,288	55%
City General Services	2,623,982	1,311,991	1,452,445	140,454	55%
Administrative Council	240,769	120,385	104,033	(16,352)	43%
Main Street	46,472	23,236	16,631	(6,605)	36%
Municipal Court	497,013	248,507	282,417	33,910	57%
Finance	243,914	121,957	120,393	(1,564)	49%
Code Enforcement	346,747	173,374	112,041	(61,333)	32%
Police	3,896,208	1,948,104	1,880,005	(68,099)	48%
Animal Impoundment	151,696	75,848	59,929	(15,919)	40%
Volunteer Fire Dept.	215,656	107,828	112,267	4,439	52%
Public Works	2,747,510	1,373,755	1,088,405	(285,350)	40%
Service Center	65,164	32,582	29,903	(2,679)	46%
Parks	534,399	267,200	204,704	(62,496)	38%
Riverside Park	180,447	90,224	74,211	(16,013)	41%
Recreation	120,493	60,247	23,750	(36,496)	20%
Swimming Pools	165,250	82,625	44,091	(38,534)	27%
Teen Center	7,500	3,750	1,951	(1,799)	26%
Total Expenditures	$ 12,336,479	$ 6,168,240	$ 5,747,092	$ (421,147)	47%
Net Revenue (Expenditures)	$ (455,674)	$ (227,837)	$ 1,233,268	$ 1,461,105	
Beginning Fund Balance	$ 3,055,285	$ 3,055,285	$ 2,748,862		
Ending Fund Balance	$ 2,599,611	$ 2,827,448	$ 3,982,130		

City of Bay City
Financial Statement
As of March 31, 2014

Emergency & Disaster Recovery Fund (Fund 23)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Utility Fees	$ -	$ -	$ (6)	$ (6)	N/A
Interest	-	-	199	199	N/A
Total Revenues	$ -	$ -	$ 192	$ 192	N/A
Expenditures					
Bad Debt	$ -	$ -	$ (40)	$ (40)	N/A
Total Expenditures	$ -	$ -	$ (40)	$ (40)	
Net Revenue (Expenditures)	$ -	$ -	$ 232	$ 232	
Beginning Fund Balance	$ 555,689	$ 555,689	$ 554,921		
Ending Fund Balance	$ 555,689	$ 555,689	$ 555,153		

City of Bay City
Financial Statement
As of March 31, 2014

Civic & Cultural Arts Fund (Fund 25)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Hotel Occupancy Tax	$ 415,000	207,500	$ 231,579	$ 24,079	56%
Miscellaneous	77,650	38,825	29,433	(9,392)	38%
Total Revenues	$ 492,650	$ 246,325	261,011	$ 14,686	53%
Expenditures					
Civic & Cultural Art	$ 46,471	$ 23,236	$ 16,430	$ (6,806)	35%
Convention & Visitors Bureau	201,300	100,650	104,558	3,908	52%
Civic Center	262,750	131,375	120,086	(11,289)	46%
Matagorda County Museum	48,000	24,000	48,000	24,000	100%
Total Expenditures	$ 558,521	$ 279,261	$ 289,074	$ 9,813	52%
Net Revenue (Expenditures)	$ (65,871)	$ (32,936)	$ (28,062)	$ 4,873	
Beginning Fund Balance	$ 200,149	$ 200,149	$ 221,561		
Ending Fund Balance	$ 134,278	$ 167,214	193,499		

City of Bay City
Financial Statement
As of March 31, 2014

Police Forfeiture Fund (Fund 24)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ 25	$ 2	$ 19	$ 17	76%
Forfeiture Revenue	5,000	417	15,798	15,382	316%
Total Revenues	$ 5,025	$ 419	$ 15,817	$ 15,398	315%
Expenditures					
Personnel	$ 1,000	$ 500	$ -	$ (500)	0%
Supplies & Materials	2,500	1,250	4,923	3,673	197%
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	5,000	2,500	-	(2,500)	0%
Total Expenditures	$ 8,500	$ 4,250	4,923	$ 673	58%
Net Revenue (Expenditures)	$ (3,475)	$ (3,831)	$ 10,894	$ 14,725	
Beginning Fund Balance	$ 23,286	$ 23,286	$ 46,024		
Ending Fund Balance	$ 19,811	$ 19,455	$ 56,918		

City of Bay City
Financial Statement
As of March 31, 2014

Municipal Court Technology Fund (Fund 29)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Court Technology Fee	$ 8,000	$ 4,000	$ 2,816	$ (1,184)	35%
Interest	-	-	19	19	N/A
Total Revenues	$ 8,000	$ 4,000	$ 2,835	$ (1,165)	35%
Expenditures					
Supplies & Materials	$ 700	$ 350	$ -	$ (350)	N/A
Other Charges & Services	20,300	10,150	5,116	(5,034)	25%
Repairs & Maintenance	-	-	-	-	N/A
Total Expenditures	$ 21,000	$ 10,500	$ 5,116	$ (5,384)	24%
Net Revenue (Expenditures)	$ (13,000)	$ (6,500)	$ (2,281)	$ 4,219	
Beginning Fund Balance	$ 46,939	$ 46,939	$ 53,871		
Ending Fund Balance	$ 33,939	$ 40,439	51,590		

City of Bay City
Financial Statement
As of March 31, 2014

Municipal Court Building Security Fund (Fund 27)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Building Security Fee	$ 6,000	$ 3,000	$ 2,111	$ (889)	35%
Interest	-	-	17	17	N/A
Total Revenues	$ 6,000	$ 3,000	2,128	$ (872)	35%
Expenditures					
Personnel	$ 8,700	$ 4,350	$ 8,539	$ 4,189	98%
Total Expenditures	$ 8,700	$ 4,350	8,539	$ 4,189	98%
Net Revenue (Expenditures)	$ (2,700)	$ (1,350)	$ (6,410)	$ (5,060)	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 47,704		
Ending Fund Balance	$ 40,863	$ 42,213	41,293		

City of Bay City
Financial Statement
As of March 31, 2014

Donation Fund (Fund 21)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 36	$ 36	N/A
Grants	34,400	17,200	-	(17,200)	0%
USO Restoration Donations	-	-	-	-	#DIV/0!
KBCB Donations	-	-	-	-	N/A
Train Depot Donations	-	-	3,000	3,000	N/A
Animal Impoundment Donations	-	-	15	15	N/A
Total Revenues	$ 34,400	$ 17,200	3,051	$ (14,149)	
Expenditures					
USO Restoration	$ 34,400	$ 17,200	$ -	$ (17,200)	N/A
KBCB	-	-	-	-	N/A
Transfer to Other Funds	-	-	-	-	N/A
Animal Impoundment	-	-	-	-	N/A
Total Expenditures	$ 34,400	$ 17,200	-	$ (17,200)	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 3,051	$ 3,051	
Beginning Fund Balance	$ 63,532	$ 63,532	$ 72,230		
Ending Fund Balance	$ 63,532	$ 63,532	75,282		

Attachment: Financial Reports 3-31-14 (1584 : Financial Statement as of March 31, 2014)

City of Bay City
Financial Statement
As of March 31, 2014

Library Fund (Fund 26)
Percent of Fiscal Year Complete 50%

		Total Budget		Budget as of 3 - 14		Actuals		Over(Under) Budget to Date	Percent to Total Budget
Revenues									
Fines	$	7,000	$	3,500	$	4,074	$	574	58%
Interest		-		-		27		27	N/A
Rental Proceeds		78,840		39,420		39,420		-	50%
Grants		-		-		5,567		-	N/A
Donations		10,000		5,000		158		(4,842)	2%
County Funding		200,000		100,000		100,000		-	50%
Other Income-Other Entitiy		5,000		2,500		-		(2,500)	0%
Other Income		16,000		8,000		16,151		8,151	101%
Transfer from General Fund		131,480		65,740		65,740		0	50%
Total Revenues	$	448,320	$	224,160		231,137	$	1,409	52%
Expenditures									
Personnel	$	250,149	$	125,075	$	115,835	$	(9,239)	46%
Supplies & Materials		61,878		30,939		42,645		11,706	69%
Other Charges & Services		124,235		62,118		60,248		(1,870)	48%
Repairs & Maintenance		15,000		7,500		10,845		3,345	72%
Total Expenditures	$	451,262	$	225,631		229,572	$	3,941	51%
Net Revenue (Expenditures)	$	(2,942)	$	(1,471)	$	1,564	$	(2,532)	
Beginning Fund Balance	$	43,563	$	43,563	$	43,653			
Ending Fund Balance	$	40,621	$	42,092		45,217			

City of Bay City
Financial Statement
As of March 31, 2014

Police Task Force Fund (Fund 30)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 10,316	$ 10,316	N/A
County Funding	-	-	-	-	N/A
City Funding	-	-	-	-	N/A
Total Revenues	$ -	$ -	$ 10,316	$ 10,316	N/A
Expenditures					
Personnel	$ -	$ -	$ 171	$ 171	N/A
Supplies & Materials	-	-	4,689	4,689	N/A
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	-	-	-	-	N/A
Total Expenditures	$ -	$ -	4,860	$ 4,860	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 5,456	$ 5,456	
Beginning Fund Balance	$ 20,000	$ 20,000	$ 9,967		
Ending Fund Balance	$ 20,000	$ 20,000	$ 15,423		

City of Bay City
Financial Statement
As of March 31, 2014

Utility Fund (Fund 61)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 6,759,500	$ 3,379,750	$ 3,067,627	$ (312,123)	45%
Fines & Penalities	-	-	250	250	N/A
License & Permits	-	-	18,800	18,800	N/A
Miscellaneous	815,000	407,500	176,687	(230,813)	22%
Total Revenues	$ 7,574,500	$ 3,787,250	3,263,364	$ (523,886)	43%
Expenditures					
General Operation	$ 4,329,048	$ 2,164,524	$ 1,943,542	$ (220,982)	45%
Water	923,925	461,963	329,290	(132,672)	36%
Sewer	2,471,790	1,235,895	689,740	(546,155)	28%
Electrical Division	-	-	-	-	N/A
Inspection Division	-	-	-	-	N/A
Warehouse Operations	49,100	24,550	24,260	(290)	49%
Total Expenditures	$ 7,773,863	$ 3,886,932	2,986,832	$ (900,099)	38%
Net Revenue (Expenditures)	$ (199,363)	$ (99,682)	$ 276,531	$ 376,213	
Beginning Fund Balance	$ 1,490,351	$ 1,490,351	$ 22,027,155		
Ending Fund Balance	$ 1,290,988	$ 1,390,670	$ 22,303,686		

City of Bay City
Financial Statement
As of March 31, 2014

Utility Debt Service Fund (Fund 63)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 104	$ 104	N/A
Transfer from General Fund	103,050	51,525	51,525	-	50%
Transfer from Utility Fund	910,950	455,475	455,475	-	50%
Transfer from Const. Fund	-	-	-	-	N/A
Total Revenues	$ 1,014,000	$ 507,000	507,104	$ 104	50%
Expenditures					
Other Charges & Services	$ 2,000	$ 1,000	$ -	$ (1,000)	0%
Debt Service	1,012,000	506,000	-	(506,000)	0%
Total Expenditures	$ 1,014,000	$ 507,000	$ -	$ (507,000)	0%
Net Revenue (Expenditures)	$ -	$ -	$ 507,104	$ 507,104	
Beginning Fund Balance	$ 365,872	$ 365,872	$ 143,470		
Ending Fund Balance	$ 365,872	$ 365,872	650,574		

City of Bay City
Financial Statement
As of March 31, 2014

Municipal Airport Fund (Fund 64)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Miscellaneous	$ 85,900	$ 42,950	$ 43,488	$ 538	51%
Transfers	120,464	60,232	60,232	0	50%
Other Revenue	155,000	77,500	116,326	38,826	75%
Cost of Fuel	(120,000)	(60,000)	(83,216)	(23,216)	69%
Total Revenues	$ 241,364	$ 120,682	136,830	$ 16,148	57%
Expenditures					
Personnel	$ 99,106	$ 49,553	$ 43,315	$ (6,238)	44%
Supplies & Materials	8,300	4,150	4,270	120	51%
Other Charges & Services	61,400	30,700	22,716	(7,984)	37%
Repairs & Maintenance	16,000	8,000	4,489	(3,511)	28%
Capital Expenditures	78,000	6,500	35,173	28,673	45%
Total Expenditures	$ 262,806	$ 98,903	109,962	$ 11,059	42%
Net Revenue (Expenditures)	$ (21,442)	$ 21,779	$ 26,868	$ 5,089	
Beginning Fund Balance	$ 61,923	$ 61,923	$ 44,962		
Ending Fund Balance	$ 40,481	$ 83,702	71,830		

City of Bay City
Financial Statement
As of March 31, 2014

Sanitation Fund (Fund 75)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 29,100	$ 14,550	$ 442,075	$ 427,525	1519%
Miscellaneous	-	-	1,867,091	1,867,091	N/A
Other Revenue	-	-	6,855	6,855	N/A
Total Revenues	$ 29,100	$ 14,550	2,316,020	$ 2,301,470	7959%
Expenditures					
Administration	$ 1,802,288	$ 901,144	$ 55,356	$ (845,788)	N/A
Residential	-	-	93,665	93,665	#DIV/0!
Commercial	-	-	89,141	89,141	N/A
Recycling	-	-	306	306	N/A
Transfer Station	87,245	43,623	129,704	86,082	149%
Total Expenditures	$ 1,889,533	$ 944,767	368,172	$ (576,594)	19%
Net Revenue (Expenditures)	$ (1,860,433)	$ (930,217)	$ 1,947,848	$ 2,878,064	
Beginning Fund Balance	$ 2,177,681	$ 2,177,681	$ 543,685		
Ending Fund Balance	$ 317,248	$ 1,247,465	2,491,532		

City of Bay City
Financial Statement
As of March 31, 2014

Debt Service Fund (Fund 80)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 405,447	$ 202,724	$ 370,105	$ 167,381	91%
Miscellaneous	-	-	103	103	N/A
Transfers	2,019,823	1,009,912	118,767	(891,144)	6%
Total Revenues	$ 2,425,270	$ 1,212,635	488,975	$ (723,660)	20%
Expenditures					
Debt Service	$ 933,344	$ 466,672	$ 38,899	$ (427,773)	4%
Total Expenditures	$ 933,344	$ 466,672	$ 38,899	$ (427,773)	4%
Net Revenue (Expenditures)	$ 1,491,926	$ 745,963	$ 450,076	$ (295,887)	
Beginning Fund Balance	$ 34,567	$ 34,567	$ 30,568		
Ending Fund Balance	$ 1,526,493	$ 780,530	$ 480,644		

City of Bay City
Financial Statement
As of March 31, 2014

Information Services Fund (Fund 81)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 71	$ 71	N/A
Transfers	667,330	333,665	321,049	(12,616)	48%
Other Revenue	-	-	-	-	N/A
Total Revenues	$ 667,330	$ 333,665	$ 321,120	$ (12,545)	48%
Expenditures					
Personnel	$ 243,943	$ 121,972	$ 109,982	$ (11,989)	45%
Supplies & Materials	31,600	15,800	14,578	(1,222)	46%
Other Charges & Services	226,897	113,449	121,849	8,401	54%
Repairs & Maintenance	43,392	21,696	5,977	(15,720)	14%
Capital Outlay	121,500	60,750	70,862	10,112	58%
Total Expenditures	$ 667,332	$ 333,666	323,247	$ (10,419)	48%
Net Revenue (Expenditures)	$ (2)	$ (1)	$ (2,127)	$ (2,126)	
Beginning Fund Balance	$ 291	$ 291	112,875		
Ending Fund Balance	$ 289	$ 290	110,748		

City of Bay City
Financial Statement
As of March 31, 2014

Maintenance Fund (Fund 82)
Percent of Fiscal Year Complete 50%

	Total Budget	Budget as of 3 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 218	$ 218	N/A
Transfers	526,100	263,050	215,926	(47,124)	41%
Other Revenue	-	-	-	-	N/A
Total Revenues	$ 526,100	$ 263,050	$ 216,144	$ (46,906)	41%
Expenditures					
Equipment Maintenance	$ 247,723	$ 123,862	$ 115,515	$ (8,347)	47%
Facility Maintenance	317,848	158,924	104,406	(54,518)	33%
Total Expenditures	$ 565,571	$ 282,786	219,921	$ (62,865)	39%
Net Revenue (Expenditures)	$ (39,471)	$ (19,736)	$ (3,776)	$ 15,959	
Beginning Fund Balance	$ (5,361)	$ (5,361)	7,724		
Ending Fund Balance	$ (44,832)	$ (25,097)	3,947		

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1585

AGENDA ITEM (ID # 1585)

FINANCIAL STATEMENT AS OF APRIL 30, 2014

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City of Bay City
Financial Statement
As of April 30, 2014

General Fund (Fund 11)
Percent of Fiscal Year Complete 58%

		Total Budget		Budget as of 4 - 14		Actuals		Over(Under) Budget to Date	Percent to Total Budget
Revenues									
Property Taxes	$	3,442,500	$	2,008,125	$	3,203,677	$	1,195,552	93%
Other Local Taxes		4,462,975		2,603,402		2,509,841		(93,561)	56%
Fines & Penalties		438,000		255,500		155,717		(99,783)	36%
Licenses & Permits		100,200		58,450		41,135		(17,315)	41%
Miscellaneous		3,261,304		1,902,427		1,714,966		(187,461)	53%
Transfers		113,126		65,990		56,784		(9,207)	50%
Other Revenue		62,700		36,575		5,804		(30,771)	9%
Total Revenues	$	11,880,805	$	6,930,470	$	7,687,923	$	757,453	65%
Expenditures									
City Secretary	$	253,259	$	147,734	$	160,087	$	12,353	63%
City General Services		2,623,982		1,530,656		1,591,800		61,144	61%
Administrative Council		240,769		140,449		122,125		(18,324)	51%
Main Street		46,472		27,109		18,106		(9,003)	39%
Municipal Court		497,013		289,924		304,390		14,466	61%
Finance		243,914		142,283		137,100		(5,183)	56%
Code Enforcement		346,747		202,269		130,958		(71,311)	38%
Police		3,896,208		2,272,788		2,166,500		(106,288)	56%
Animal Impoundment		151,696		88,489		74,756		(13,733)	49%
Volunteer Fire Dept.		215,656		125,799		123,177		(2,623)	57%
Public Works		2,747,510		1,602,714		1,284,453		(318,261)	47%
Service Center		65,164		38,012		33,761		(4,251)	52%
Parks		534,399		311,733		240,883		(70,850)	45%
Riverside Park		180,447		105,261		85,996		(19,265)	48%
Recreation		120,493		70,288		29,345		(40,943)	24%
Swimming Pools		165,250		96,396		51,447		(44,949)	31%
Teen Center		7,500		4,375		2,318		(2,057)	31%
Total Expenditures	$	12,336,479	$	7,196,279	$	6,557,202	$	(639,078)	53%
Net Revenue (Expenditures)	$	(455,674)	$	(265,810)	$	1,130,721	$	1,396,531	
Beginning Fund Balance	$	3,055,285	$	3,055,285	$	2,736,876			
Ending Fund Balance	$	2,599,611	$	2,789,475	$	3,867,597			

City of Bay City
Financial Statement
As of April 30, 2014

Emergency & Disaster Recovery Fund (Fund 23)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Utility Fees	$ -	$ -	$ (6)	$ (6)	N/A
Interest	-	-	233	233	N/A
Total Revenues	$ -	$ -	$ 226	$ 226	N/A
Expenditures					
Bad Debt	$ -	$ -	$ (40)	$ (40)	N/A
Total Expenditures	$ -	$ -	$ (40)	$ (40)	
Net Revenue (Expenditures)	$ -	$ -	$ 266	$ 266	
Beginning Fund Balance	$ 555,689	$ 555,689	$ 554,921		
Ending Fund Balance	$ 555,689	$ 555,689	$ 555,187		

City of Bay City
Financial Statement
As of April 30, 2014

Civic & Cultural Arts Fund (Fund 25)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Hotel Occupancy Tax	$ 415,000	242,083	$ 269,130	$ 27,047	65%
Miscellaneous	77,650	45,296	36,705	(8,591)	47%
Total Revenues	$ 492,650	$ 287,379	305,835	$ 18,456	62%
Expenditures					
Civic & Cultural Art	$ 46,471	$ 27,108	$ 17,901	$ (9,207)	39%
Convention & Visitors Bureau	201,300	117,425	116,543	(882)	58%
Civic Center	262,750	153,271	137,643	(15,628)	52%
Matagorda County Museum	48,000	28,000	48,000	20,000	100%
Total Expenditures	$ 558,521	$ 325,804	$ 320,087	$ (5,717)	57%
Net Revenue (Expenditures)	$ (65,871)	$ (38,425)	$ (14,252)	$ 24,173	
Beginning Fund Balance	$ 200,149	$ 200,149	$ 221,561		
Ending Fund Balance	$ 134,278	$ 161,724	207,309		

City of Bay City
Financial Statement
As of April 30, 2014

Police Forfeiture Fund (Fund 24)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ 25	$ 2	$ 23	$ 20	90%
Forfeiture Revenue	5,000	417	16,252	15,836	325%
Total Revenues	$ 5,025	$ 419	$ 16,275	$ 15,856	324%
Expenditures					
Personnel	$ 1,000	$ 583	$ -	$ (583)	0%
Supplies & Materials	2,500	1,458	7,913	6,455	317%
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	5,000	2,917	-	(2,917)	0%
Total Expenditures	$ 8,500	$ 4,958	7,913	$ 2,955	93%
Net Revenue (Expenditures)	$ (3,475)	$ (4,540)	$ 8,362	$ 12,901	
Beginning Fund Balance	$ 23,286	$ 23,286	$ 46,024		
Ending Fund Balance	$ 19,811	$ 18,746	$ 54,386		

City of Bay City
Financial Statement
As of April 30, 2014

Municipal Court Technology Fund (Fund 29)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Court Technology Fee	$ 8,000	$ 4,667	$ 3,446	$ (1,221)	43%
Interest	-	-	22	22	N/A
Total Revenues	$ 8,000	$ 4,667	$ 3,468	$ (1,198)	43%
Expenditures					
Supplies & Materials	$ 700	$ 408	$ -	$ (408)	N/A
Other Charges & Services	20,300	11,842	5,509	(6,333)	27%
Repairs & Maintenance	-	-	-	-	N/A
Total Expenditures	$ 21,000	$ 12,250	$ 5,509	$ (6,741)	26%
Net Revenue (Expenditures)	$ (13,000)	$ (7,583)	$ (2,041)	$ 5,543	
Beginning Fund Balance	$ 46,939	$ 46,939	$ 53,871		
Ending Fund Balance	$ 33,939	$ 39,356	51,830		

City of Bay City
Financial Statement
As of April 30, 2014

Municipal Court Building Security Fund (Fund 27)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Building Security Fee	$ 6,000	$ 3,500	$ 2,584	$ (916)	43%
Interest	-	-	20	20	N/A
Total Revenues	$ 6,000	$ 3,500	2,603	$ (897)	43%
Expenditures					
Personnel	$ 8,700	$ 5,075	$ 8,725	$ 3,650	100%
Total Expenditures	$ 8,700	$ 5,075	8,725	$ 3,650	100%
Net Revenue (Expenditures)	$ (2,700)	$ (1,575)	$ (6,122)	$ (4,547)	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 47,704		
Ending Fund Balance	$ 40,863	$ 41,988	41,582		

City of Bay City
Financial Statement
As of April 30, 2014

Donation Fund (Fund 21)

Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 43	$ 43	N/A
Grants	34,400	20,067	-	(20,067)	0%
USO Restoration Donations	-	-	2,000	2,000	#DIV/0!
KBCB Donations	-	-	-	-	N/A
Train Depot Donations	-	-	3,000	3,000	N/A
Animal Impoundment Donations	-	-	15	15	N/A
Total Revenues	$ 34,400	$ 20,067	5,058	$ (15,009)	
Expenditures					
USO Restoration	$ 34,400	$ 20,067	$ -	$ (20,067)	N/A
KBCB	-	-	-	-	N/A
Transfer to Other Funds	-	-	-	-	N/A
Animal Impoundment	-	-	-	-	N/A
Total Expenditures	$ 34,400	$ 20,067	-	$ (20,067)	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 5,058	$ 5,058	
Beginning Fund Balance	$ 63,532	$ 63,532	$ 72,230		
Ending Fund Balance	$ 63,532	$ 63,532	77,288		

Attachment: Financial Reports 4-30-14 (1585 : Financial Statement as of April 30, 2014)

City of Bay City
Financial Statement
As of April 30, 2014

Library Fund (Fund 26)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Fines	$ 7,000	$ 4,083	$ 4,740	$ 657	68%
Interest	-	-	29	29	N/A
Rental Proceeds	78,840	45,990	39,420	(6,570)	50%
Grants	-	-	5,567	-	N/A
Donations	10,000	5,833	158	(5,676)	2%
County Funding	200,000	116,667	100,000	(16,667)	50%
Other Income-Other Entitiy	5,000	2,917	-	(2,917)	0%
Other Income	16,000	9,333	16,448	7,114	103%
Transfer from General Fund	131,480	76,697	76,697	0	58%
Total Revenues	$ 448,320	$ 261,520	243,059	$ (24,029)	54%
Expenditures					
Personnel	$ 250,149	$ 145,920	$ 134,447	$ (11,474)	54%
Supplies & Materials	61,878	36,096	44,739	8,644	72%
Other Charges & Services	124,235	72,470	65,806	(6,664)	53%
Repairs & Maintenance	15,000	8,750	11,339	2,589	76%
Total Expenditures	$ 451,262	$ 263,236	256,332	$ (6,904)	57%
Net Revenue (Expenditures)	$ (2,942)	$ (1,716)	$ (13,273)	$ (17,125)	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 43,653		
Ending Fund Balance	$ 40,621	$ 41,847	30,379		

City of Bay City
Financial Statement
As of April 30, 2014

Police Task Force Fund (Fund 30)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 10,317	$ 10,317	N/A
County Funding	-	-	-	-	N/A
City Funding	-	-	-	-	N/A
Total Revenues	$ -	$ -	$ 10,317	$ 10,317	N/A
Expenditures					
Personnel	$ -	$ -	$ 171	$ 171	N/A
Supplies & Materials	-	-	4,689	4,689	N/A
Other Charges & Services	-	-	-	-	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	-	-	-	-	N/A
Total Expenditures	$ -	$ -	4,860	$ 4,860	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 5,457	$ 5,457	
Beginning Fund Balance	$ 20,000	$ 20,000	$ 9,967		
Ending Fund Balance	$ 20,000	$ 20,000	$ 15,424		

City of Bay City
Financial Statement
As of April 30, 2014

Utility Fund (Fund 61)

Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 6,759,500	$ 3,943,042	$ 3,605,768	$ (337,274)	53%
Fines & Penalities	-	-	450	450	N/A
License & Permits	-	-	91,652	91,652	N/A
Miscellaneous	815,000	475,417	178,036	(297,381)	22%
Total Revenues	$ 7,574,500	$ 4,418,458	3,875,906	$ (542,553)	51%
Expenditures					
General Operation	$ 4,329,048	$ 2,525,278	$ 2,256,785	$ (268,493)	52%
Water	923,925	538,956	397,319	(141,637)	43%
Sewer	2,471,790	1,441,878	784,757	(657,121)	32%
Electrical Division	-	-	-	-	N/A
Inspection Division	-	-	-	-	N/A
Warehouse Operations	49,100	28,642	28,634	(7)	58%
Total Expenditures	$ 7,773,863	$ 4,534,753	3,467,495	$ (1,067,258)	45%
Net Revenue (Expenditures)	$ (199,363)	$ (116,295)	$ 408,411	$ 524,706	
Beginning Fund Balance	$ 1,490,351	$ 1,490,351	$ 22,027,155		
Ending Fund Balance	$ 1,290,988	$ 1,374,056	$ 22,435,566		

Attachment: Financial Reports 4-30-14 (1585 : Financial Statement as of April 30, 2014)

City of Bay City
Financial Statement
As of April 30, 2014

Utility Debt Service Fund (Fund 63)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 134	$ 134	N/A
Transfer from General Fund	103,050	60,113	60,113	-	58%
Transfer from Utility Fund	910,950	531,388	531,388	-	58%
Transfer from Const. Fund	-	-	-	-	N/A
Total Revenues	$ 1,014,000	$ 591,500	591,634	$ 134	58%
Expenditures					
Other Charges & Services	$ 2,000	$ 1,167	$ -	$ (1,167)	0%
Debt Service	1,012,000	590,333	-	(590,333)	0%
Total Expenditures	$ 1,014,000	$ 591,500	$ -	$ (591,500)	0%
Net Revenue (Expenditures)	$ -	$ -	$ 591,634	$ 591,634	
Beginning Fund Balance	$ 365,872	$ 365,872	$ 143,470		
Ending Fund Balance	$ 365,872	$ 365,872	735,105		

City of Bay City
Financial Statement
As of April 30, 2014

Municipal Airport Fund (Fund 64)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Miscellaneous	$ 85,900	$ 50,108	$ 53,511	$ 3,403	62%
Transfers	120,464	70,271	70,271	0	58%
Other Revenue	155,000	90,417	133,957	43,540	86%
Cost of Fuel	(120,000)	(70,000)	(83,216)	(13,216)	69%
Total Revenues	$ 241,364	$ 140,796	174,523	$ 33,727	72%
Expenditures					
Personnel	$ 99,106	$ 57,812	$ 50,175	$ (7,637)	51%
Supplies & Materials	8,300	4,842	4,771	(71)	57%
Other Charges & Services	61,400	35,817	25,674	(10,143)	42%
Repairs & Maintenance	16,000	9,333	5,474	(3,859)	34%
Capital Expenditures	78,000	6,500	39,747	33,247	51%
Total Expenditures	$ 262,806	$ 114,304	125,840	$ 11,537	48%
Net Revenue (Expenditures)	$ (21,442)	$ 26,492	$ 48,682	$ 22,190	
Beginning Fund Balance	$ 61,923	$ 61,923	$ 44,962		
Ending Fund Balance	$ 40,481	$ 88,415	93,645		

City of Bay City
Financial Statement
As of April 30, 2014

Sanitation Fund (Fund 75)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 29,100	$ 16,975	$ 442,075	$ 425,100	1519%
Miscellaneous	-	-	1,867,495	1,867,495	N/A
Other Revenue	-	-	6,855	6,855	N/A
Total Revenues	$ 29,100	$ 16,975	2,316,424	$ 2,299,449	7960%
Expenditures					
Administration	$ 1,802,288	$ 1,051,335	$ 55,356	$ (995,978)	N/A
Residential	-	-	93,665	93,665	N/A
Commercial	-	-	89,141	89,141	N/A
Recycling	-	-	484	484	N/A
Transfer Station	87,245	50,893	131,711	80,818	151%
Total Expenditures	$ 1,889,533	$ 1,102,228	370,358	$ (731,870)	20%
Net Revenue (Expenditures)	$ (1,860,433)	$ (1,085,253)	$ 1,946,066	$ 3,031,319	
Beginning Fund Balance	$ 2,177,681	$ 2,177,681	$ 543,685		
Ending Fund Balance	$ 317,248	$ 1,092,428	2,489,751		

City of Bay City
Financial Statement
As of April 30, 2014

Debt Service Fund (Fund 80)
Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 405,447	$ 236,511	$ 374,431	$ 137,921	92%
Miscellaneous	-	-	134	134	N/A
Transfers	2,019,823	1,178,230	138,562	(1,039,668)	7%
Total Revenues	$ 2,425,270	$ 1,414,741	513,128	$ (901,613)	21%
Expenditures					
Debt Service	$ 933,344	$ 544,451	$ 39,399	$ (505,052)	4%
Total Expenditures	$ 933,344	$ 544,451	$ 39,399	$ (505,052)	4%
Net Revenue (Expenditures)	$ 1,491,926	$ 870,290	$ 473,729	$ (396,561)	
Beginning Fund Balance	$ 34,567	$ 34,567	$ 30,568		
Ending Fund Balance	$ 1,526,493	$ 904,857	$ 504,297		

City of Bay City
Financial Statement
As of April 30, 2014

Information Services Fund (Fund 81)

Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 71	$ 71	N/A
Transfers	667,330	389,276	345,751	(43,525)	52%
Other Revenue	-	-	-	-	N/A
Total Revenues	$ 667,330	$ 389,276	$ 345,822	$ (43,454)	52%
Expenditures					
Personnel	$ 243,943	$ 142,300	$ 125,342	$ (16,958)	51%
Supplies & Materials	31,600	18,433	17,075	(1,358)	54%
Other Charges & Services	226,897	132,357	123,866	(8,490)	55%
Repairs & Maintenance	43,392	25,312	8,457	(16,855)	19%
Capital Outlay	121,500	70,875	73,242	2,367	60%
Total Expenditures	$ 667,332	$ 389,277	347,982	$ (41,295)	52%
Net Revenue (Expenditures)	$ (2)	$ (1)	$ (2,161)	$ (2,160)	
Beginning Fund Balance	$ 291	$ 291	112,875		
Ending Fund Balance	$ 289	$ 290	110,714		

Attachment: Financial Reports 4-30-14 (1585 : Financial Statement as of April 30, 2014)

City of Bay City
Financial Statement
As of April 30, 2014

Maintenance Fund (Fund 82)

Percent of Fiscal Year Complete 58%

	Total Budget	Budget as of 4 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 218	$ 218	N/A
Transfers	526,100	306,892	266,862	(40,029)	51%
Other Revenue	-	-	-	-	N/A
Total Revenues	$ 526,100	$ 306,892	$ 267,081	$ (39,811)	51%
Expenditures					
Equipment Maintenance	$ 247,723	$ 144,505	$ 132,409	$ (12,096)	53%
Facility Maintenance	317,848	185,411	140,857	(44,554)	44%
Total Expenditures	$ 565,571	$ 329,916	273,266	$ (56,650)	48%
Net Revenue (Expenditures)	$ (39,471)	$ (23,025)	$ (6,186)	$ 16,839	
Beginning Fund Balance	$ (5,361)	$ (5,361)	7,724		
Ending Fund Balance	$ (44,832)	$ (28,386)	1,538		

Attachment: Financial Reports 4-30-14 (1585 : Financial Statement as of April 30, 2014)

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1586

AGENDA ITEM (ID # 1586)

FINANCIAL STATEMENT AS OF MAY 31, 2014.

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City of Bay City
Financial Statement
As of May 31, 2014

General Fund (Fund 11)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 3,442,500	$ 2,295,000	$ 3,250,875	$ 955,875	94%
Other Local Taxes	4,462,975	2,975,317	2,929,977	(45,340)	66%
Fines & Penalties	438,000	292,000	177,981	(114,019)	41%
Licenses & Permits	100,200	66,800	143,159	76,359	143%
Miscellaneous	3,261,304	2,174,203	1,966,735	(207,467)	60%
Transfers	113,126	75,417	64,910	(10,508)	57%
Other Revenue	62,700	41,800	7,297	(34,503)	12%
Total Revenues	$ 11,880,805	$ 7,920,537	$ 8,540,934	$ 620,397	72%
Expenditures					
City Secretary	$ 253,259	$ 168,839	$ 180,972	$ 12,133	71%
City General Services	2,623,982	1,749,321	1,736,777	(12,544)	66%
Administrative Council	240,769	160,513	141,317	(19,196)	59%
Main Street	46,472	30,981	20,677	(10,304)	44%
Municipal Court	497,013	331,342	326,789	(4,553)	66%
Finance	243,914	162,609	156,809	(5,800)	64%
Code Enforcement	346,747	231,165	153,025	(78,139)	44%
Police	3,896,208	2,597,472	2,469,020	(128,452)	63%
Animal Impoundment	151,696	101,131	85,616	(15,514)	56%
Volunteer Fire Dept.	215,656	143,771	138,913	(4,858)	64%
Public Works	2,747,510	1,831,673	1,539,111	(292,562)	56%
Service Center	65,164	43,443	37,949	(5,493)	58%
Parks	534,399	356,266	279,289	(76,978)	52%
Riverside Park	180,447	120,298	97,138	(23,160)	54%
Recreation	120,493	80,329	38,820	(41,509)	32%
Swimming Pools	165,250	110,167	62,917	(47,250)	38%
Teen Center	7,500	5,000	2,696	(2,304)	36%
Total Expenditures	$ 12,336,479	$ 8,224,319	$ 7,467,835	$ (756,484)	61%
Net Revenue (Expenditures)	$ (455,674)	$ (303,783)	$ 1,073,099	$ 1,376,881	
Beginning Fund Balance	$ 3,055,285	$ 3,055,285	$ 2,736,876		
Ending Fund Balance	$ 2,599,611	$ 2,751,502	$ 3,809,975		

City of Bay City
Financial Statement
As of May 31, 2014

Emergency & Disaster Recovery Fund (Fund 23)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Utility Fees	$ -	$ -	$ (6)	$ (6)	N/A
Interest	-	-	268	268	N/A
Total Revenues	$ -	$ -	$ 262	$ 262	N/A
Expenditures					
Bad Debt	$ -	$ -	$ (45)	$ (45)	N/A
Total Expenditures	$ -	$ -	$ (45)	$ (45)	
Net Revenue (Expenditures)	$ -	$ -	$ 307	$ 307	
Beginning Fund Balance	$ 555,689	$ 555,689	$ 554,921		
Ending Fund Balance	$ 555,689	$ 555,689	$ 555,227		

City of Bay City
Financial Statement
As of May 31, 2014

Civic & Cultural Arts Fund (Fund 25)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Hotel Occupancy Tax	$ 415,000	276,667	$ 365,223	$ 88,557	88%
Miscellaneous	77,650	51,767	43,555	(8,212)	56%
Total Revenues	$ 492,650	$ 328,433	408,778	$ 80,345	83%
Expenditures					
Civic & Cultural Art	$ 46,471	$ 30,981	$ 20,473	$ (10,508)	44%
Convention & Visitors Bureau	201,300	134,200	141,479	7,279	70%
Civic Center	262,750	175,167	182,402	7,235	69%
Matagorda County Museum	48,000	32,000	48,000	16,000	100%
Total Expenditures	$ 558,521	$ 372,347	$ 392,354	$ 20,006	70%
Net Revenue (Expenditures)	$ (65,871)	$ (43,914)	$ 16,424	$ 60,338	
Beginning Fund Balance	$ 200,149	$ 200,149	$ 221,561		
Ending Fund Balance	$ 134,278	$ 156,235	237,985		

City of Bay City
Financial Statement
As of May 31, 2014

Police Forfeiture Fund (Fund 24)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ 25	$ 2	$ 26	$ 24	106%
Forfeiture Revenue	5,000	417	19,632	19,216	393%
Total Revenues	$ 5,025	$ 419	$ 19,659	$ 19,240	391%
Expenditures					
Personnel	$ 1,000	$ 667	$ -	$ (667)	0%
Supplies & Materials	2,500	1,667	7,913	6,246	317%
Other Charges & Services	-	-	1,254	1,254	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	5,000	3,333	-	(3,333)	0%
Total Expenditures	$ 8,500	$ 5,667	9,167	$ 3,500	108%
Net Revenue (Expenditures)	$ (3,475)	$ (5,248)	$ 10,492	$ 15,740	
Beginning Fund Balance	$ 23,286	$ 23,286	$ 46,024		
Ending Fund Balance	$ 19,811	$ 18,038	$ 56,516		

City of Bay City
Financial Statement
As of May 31, 2014

Municipal Court Technology Fund (Fund 29)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Court Technology Fee	$ 8,000	$ 5,333	$ 3,943	$ (1,390)	49%
Interest	-	-	26	26	N/A
Total Revenues	$ 8,000	$ 5,333	$ 3,969	$ (1,365)	50%
Expenditures					
Supplies & Materials	$ 700	$ 467	$ -	$ (467)	N/A
Other Charges & Services	20,300	13,533	6,134	(7,400)	30%
Repairs & Maintenance	-	-	-	-	N/A
Total Expenditures	$ 21,000	$ 14,000	$ 6,134	$ (7,866)	29%
Net Revenue (Expenditures)	$ (13,000)	$ (8,667)	$ (2,165)	$ 6,502	
Beginning Fund Balance	$ 46,939	$ 46,939	$ 53,871		
Ending Fund Balance	$ 33,939	$ 38,272	51,706		

City of Bay City
Financial Statement
As of May 31, 2014

Municipal Court Building Security Fund (Fund 27)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Building Security Fee	$ 6,000	$ 4,000	$ 2,956	$ (1,044)	49%
Interest	-	-	23	23	N/A
Total Revenues	$ 6,000	$ 4,000	2,979	$ (1,021)	50%
Expenditures					
Personnel	$ 8,700	$ 5,800	$ 8,725	$ 2,925	100%
Total Expenditures	$ 8,700	$ 5,800	8,725	$ 2,925	100%
Net Revenue (Expenditures)	$ (2,700)	$ (1,800)	$ (5,746)	$ (3,946)	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 47,704		
Ending Fund Balance	$ 40,863	$ 41,763	41,958		

City of Bay City
Financial Statement
As of May 31, 2014

Donation Fund (Fund 21)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 49	$ 49	N/A
Grants	34,400	22,933	-	(22,933)	0%
USO Restoration Donations	-	-	2,000	2,000	#DIV/0!
KBCB Donations	-	-	-	-	N/A
Train Depot Donations	-	-	3,000	3,000	N/A
Animal Impoundment Donations	-	-	15	15	N/A
Total Revenues	$ 34,400	$ 22,933	5,064	$ (17,869)	
Expenditures					
USO Restoration	$ 34,400	$ 22,933	$ 1,422	$ (21,511)	N/A
KBCB	-	-	-	-	N/A
Transfer to Other Funds	-	-	-	-	N/A
Animal Impoundment	-	-	-	-	N/A
Total Expenditures	$ 34,400	$ 22,933	1,422	$ (21,511)	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 3,642	$ 3,642	
Beginning Fund Balance	$ 63,532	$ 63,532	$ 72,230		
Ending Fund Balance	$ 63,532	$ 63,532	75,873		

City of Bay City
Financial Statement
As of May 31, 2014

Library Fund (Fund 26)

Percent of Fiscal Year Complete 67%

		Total Budget		Budget as of 5 - 14		Actuals		Over(Under) Budget to Date	Percent to Total Budget
Revenues									
Fines	$	7,000	$	4,667	$	5,485	$	818	78%
Interest		-		-		33		33	N/A
Rental Proceeds		78,840		52,560		45,990		(6,570)	58%
Grants		-		-		9,935		-	N/A
Donations		10,000		6,667		160		(6,507)	2%
County Funding		200,000		133,333		150,000		16,667	75%
Other Income-Other Entitiy		5,000		3,333		-		(3,333)	0%
Other Income		16,000		10,667		17,281		6,614	108%
Transfer from General Fund		131,480		87,653		87,653		0	67%
Total Revenues	$	448,320	$	298,880		316,537	$	7,723	71%
Expenditures									
Personnel	$	250,149	$	166,766	$	154,210	$	(12,556)	62%
Supplies & Materials		61,878		41,252		46,635		5,383	75%
Other Charges & Services		124,235		82,823		74,336		(8,488)	60%
Repairs & Maintenance		15,000		10,000		11,339		1,339	76%
Total Expenditures	$	451,262	$	300,841		286,520	$	(14,321)	63%
Net Revenue (Expenditures)	$	(2,942)	$	(1,961)	$	30,017	$	22,044	
Beginning Fund Balance	$	43,563	$	43,563	$	43,653			
Ending Fund Balance	$	40,621	$	41,602		73,670			

City of Bay City
Financial Statement
As of May 31, 2014

Police Task Force Fund (Fund 30)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 11,106	$ 11,106	N/A
County Funding	-	-	-	-	N/A
City Funding	-	-	-	-	N/A
Total Revenues	$ -	$ -	$ 11,106	$ 11,106	N/A
Expenditures					
Personnel	$ -	$ -	$ 171	$ 171	N/A
Supplies & Materials	-	-	4,689	4,689	N/A
Other Charges & Services	-	-	197	197	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	-	-	-	-	N/A
Total Expenditures	$ -	$ -	5,057	$ 5,057	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 6,049	$ 6,049	
Beginning Fund Balance	$ 20,000	$ 20,000	$ 9,967		
Ending Fund Balance	$ 20,000	$ 20,000	$ 16,016		

City of Bay City
Financial Statement
As of May 31, 2014

Utility Fund (Fund 61)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 6,759,500	$ 4,506,333	$ 4,172,179	$ (334,154)	62%
Fines & Penalities	-	-	-	-	N/A
License & Permits	-	-	(150)	(150)	N/A
Miscellaneous	815,000	543,333	190,809	(352,524)	23%
Total Revenues	$ 7,574,500	$ 5,049,667	4,362,838	$ (686,828)	58%
Expenditures					
General Operation	$ 4,329,048	$ 2,886,032	$ 2,629,301	$ (256,731)	61%
Water	923,925	615,950	434,238	(181,712)	47%
Sewer	2,471,790	1,647,860	876,837	(771,023)	35%
Electrical Division	-	-	-	-	N/A
Inspection Division	-	-	-	-	N/A
Warehouse Operations	49,100	32,733	34,494	1,761	70%
Total Expenditures	$ 7,773,863	$ 5,182,575	3,974,870	$ (1,207,706)	51%
Net Revenue (Expenditures)	$ (199,363)	$ (132,909)	$ 387,968	$ 520,877	
Beginning Fund Balance	$ 1,490,351	$ 1,490,351	$ 22,027,155		
Ending Fund Balance	$ 1,290,988	$ 1,357,442	$ 22,415,123		

City of Bay City
Financial Statement
As of May 31, 2014

Utility Debt Service Fund (Fund 63)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 168	$ 168	N/A
Transfer from General Fund	103,050	68,700	68,700	-	67%
Transfer from Utility Fund	910,950	607,300	607,300	-	67%
Transfer from Const. Fund	-	-	-	-	N/A
Total Revenues	$ 1,014,000	$ 676,000	676,168	$ 168	67%
Expenditures					
Other Charges & Services	$ 2,000	$ 1,333	$ -	$ (1,333)	0%
Debt Service	1,012,000	674,667	-	(674,667)	0%
Total Expenditures	$ 1,014,000	$ 676,000	$ -	$ (676,000)	0%
Net Revenue (Expenditures)	$ -	$ -	$ 676,168	$ 676,168	
Beginning Fund Balance	$ 365,872	$ 365,872	$ 143,470		
Ending Fund Balance	$ 365,872	$ 365,872	819,639		

City of Bay City
Financial Statement
As of May 31, 2014

Municipal Airport Fund (Fund 64)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Miscellaneous	$ 85,900	$ 57,267	$ 68,826	$ 11,560	80%
Transfers	120,464	80,309	80,309	0	67%
Other Revenue	155,000	103,333	146,855	43,522	95%
Cost of Fuel	(120,000)	(80,000)	(108,503)	(28,503)	90%
Total Revenues	$ 241,364	$ 160,909	187,488	$ 26,579	78%
Expenditures					
Personnel	$ 99,106	$ 66,071	$ 57,258	$ (8,813)	58%
Supplies & Materials	8,300	5,533	5,279	(254)	64%
Other Charges & Services	61,400	40,933	27,631	(13,303)	45%
Repairs & Maintenance	16,000	10,667	8,438	(2,229)	53%
Capital Expenditures	78,000	6,500	41,384	34,884	53%
Total Expenditures	$ 262,806	$ 129,704	139,990	$ 10,286	53%
Net Revenue (Expenditures)	$ (21,442)	$ 31,205	$ 47,498	$ 16,293	
Beginning Fund Balance	$ 61,923	$ 61,923	$ 44,962		
Ending Fund Balance	$ 40,481	$ 93,128	92,460		

City of Bay City
Financial Statement
As of May 31, 2014

Sanitation Fund (Fund 75)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 29,100	$ 19,400	$ 442,075	$ 422,675	1519%
Miscellaneous	-	-	1,867,655	1,867,655	N/A
Other Revenue	-	-	6,855	6,855	N/A
Total Revenues	$ 29,100	$ 19,400	2,316,584	$ 2,297,184	7961%
Expenditures					
Administration	$ 1,802,288	$ 1,201,525	$ 55,356	$ (1,146,169)	N/A
Residential	-	-	93,665	93,665	N/A
Commercial	-	-	89,141	89,141	N/A
Recycling	-	-	571	571	N/A
Transfer Station	87,245	58,163	131,456	73,293	151%
Total Expenditures	$ 1,889,533	$ 1,259,689	370,190	$ (889,499)	20%
Net Revenue (Expenditures)	$ (1,860,433)	$ (1,240,289)	$ 1,946,394	$ 3,186,683	
Beginning Fund Balance	$ 2,177,681	$ 2,177,681	$ 543,685		
Ending Fund Balance	$ 317,248	$ 937,392	2,490,079		

City of Bay City
Financial Statement
As of May 31, 2014

Debt Service Fund (Fund 80)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 405,447	$ 270,298	$ 379,705	$ 109,407	94%
Miscellaneous	-	-	169	169	N/A
Transfers	2,019,823	1,346,549	158,357	(1,188,192)	8%
Total Revenues	$ 2,425,270	$ 1,616,847	538,230	$ (1,078,616)	22%
Expenditures					
Debt Service	$ 933,344	$ 622,229	$ 39,899	$ (582,330)	4%
Total Expenditures	$ 933,344	$ 622,229	$ 39,899	$ (582,330)	4%
Net Revenue (Expenditures)	$ 1,491,926	$ 994,617	$ 498,332	$ (496,286)	
Beginning Fund Balance	$ 34,567	$ 34,567	$ 30,568		
Ending Fund Balance	$ 1,526,493	$ 1,029,184	$ 528,900		

City of Bay City
Financial Statement
As of May 31, 2014

Information Services Fund (Fund 81)

Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 71	$ 71	N/A
Transfers	667,330	444,887	407,505	(37,381)	61%
Other Revenue	-	-	-	-	N/A
Total Revenues	$ 667,330	$ 444,887	$ 407,577	$ (37,310)	61%
Expenditures					
Personnel	$ 243,943	$ 162,629	$ 139,658	$ (22,971)	57%
Supplies & Materials	31,600	21,067	20,554	(513)	65%
Other Charges & Services	226,897	151,265	166,009	14,745	73%
Repairs & Maintenance	43,392	28,928	10,274	(18,654)	24%
Capital Outlay	121,500	81,000	73,242	(7,758)	60%
Total Expenditures	$ 667,332	$ 444,888	409,737	$ (35,151)	61%
Net Revenue (Expenditures)	$ (2)	$ (1)	$ (2,161)	$ (2,159)	
Beginning Fund Balance	$ 291	$ 291	112,875		
Ending Fund Balance	$ 289	$ 290	110,714		

Attachment: Financial Reports 5-31-14 (1586 : Financial Statement as of May 31, 2014)

City of Bay City
Financial Statement
As of May 31, 2014

Maintenance Fund (Fund 82)
Percent of Fiscal Year Complete 67%

	Total Budget	Budget as of 5 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 218	$ 218	N/A
Transfers	526,100	350,733	312,688	(38,046)	59%
Other Revenue	-	-	-	-	N/A
Total Revenues	$ 526,100	$ 350,733	$ 312,906	$ (37,827)	59%
Expenditures					
Equipment Maintenance	$ 247,723	$ 165,149	$ 148,698	$ (16,451)	60%
Facility Maintenance	317,848	211,899	170,394	(41,505)	54%
Total Expenditures	$ 565,571	$ 377,047	319,091	$ (57,956)	56%
Net Revenue (Expenditures)	$ (39,471)	$ (26,314)	$ (6,186)	$ 20,128	
Beginning Fund Balance	$ (5,361)	$ (5,361)	7,724		
Ending Fund Balance	$ (44,832)	$ (31,675)	1,538		

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1587

AGENDA ITEM (ID # 1587)

FINANCIAL STATEMENT AS OF JUNE 30, 2014.

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City of Bay City
Financial Statement
As of June 30, 2014

General Fund (Fund 11)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 3,442,500	$ 2,581,875	$ 3,312,727	$ 730,852	96%
Other Local Taxes	4,462,975	3,347,231	3,309,153	(38,079)	74%
Fines & Penalties	438,000	328,500	207,531	(120,969)	47%
Licenses & Permits	100,200	75,150	151,044	75,894	151%
Miscellaneous	3,261,304	2,445,978	2,206,179	(239,799)	68%
Transfers	113,126	84,845	71,866	(12,978)	64%
Other Revenue	62,700	47,025	12,489	(34,536)	20%
Total Revenues	$ 11,880,805	$ 8,910,604	$ 9,270,988	$ 360,385	78%
Expenditures					
City Secretary	$ 253,259	$ 189,944	$ 204,345	$ 14,401	81%
City General Services	2,623,982	1,967,987	2,388,488	420,502	91%
Administrative Council	240,769	180,577	160,595	(19,982)	67%
Main Street	46,472	34,854	22,079	(12,775)	48%
Municipal Court	497,013	372,760	345,754	(27,006)	70%
Finance	243,914	182,936	176,433	(6,503)	72%
Code Enforcement	346,747	260,060	170,820	(89,241)	49%
Police	3,896,208	2,922,156	2,750,232	(171,924)	71%
Animal Impoundment	151,696	113,772	96,127	(17,645)	63%
Volunteer Fire Dept.	215,656	161,742	146,257	(15,485)	68%
Public Works	2,747,510	2,060,633	1,822,689	(237,943)	66%
Service Center	65,164	48,873	42,068	(6,805)	65%
Parks	534,399	400,799	315,573	(85,226)	59%
Riverside Park	180,447	135,335	109,010	(26,325)	60%
Recreation	120,493	90,370	40,734	(49,636)	34%
Swimming Pools	165,250	123,938	89,715	(34,223)	54%
Teen Center	7,500	5,625	3,315	(2,310)	44%
Total Expenditures	$ 12,336,479	$ 9,252,359	$ 8,884,234	$ (368,125)	72%
Net Revenue (Expenditures)	$ (455,674)	$ (341,756)	$ 386,754	$ 728,510	
Beginning Fund Balance	$ 3,055,285	$ 3,055,285	$ 2,736,876		
Ending Fund Balance	$ 2,599,611	$ 2,713,530	$ 3,123,630		

City of Bay City
Financial Statement
As of June 30, 2014

Emergency & Disaster Recovery Fund (Fund 23)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Utility Fees	$ -	$ -	$ (6)	$ (6)	N/A
Interest	-	-	301	301	N/A
Total Revenues	$ -	$ -	$ 295	$ 295	N/A
Expenditures					
Bad Debt	$ -	$ -	$ (45)	$ (45)	N/A
Total Expenditures	$ -	$ -	$ (45)	$ (45)	
Net Revenue (Expenditures)	$ -	$ -	$ 340	$ 340	
Beginning Fund Balance	$ 555,689	$ 555,689	$ 554,921		
Ending Fund Balance	$ 555,689	$ 555,689	$ 555,261		

City of Bay City
Financial Statement
As of June 30, 2014

Civic & Cultural Arts Fund (Fund 25)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Hotel Occupancy Tax	$ 415,000	311,250	$ 375,972	$ 64,722	91%
Miscellaneous	77,650	58,238	50,382	(7,855)	65%
Total Revenues	$ 492,650	$ 369,488	426,354	$ 56,867	87%
Expenditures					
Civic & Cultural Art	$ 46,471	$ 34,853	$ 21,875	$ (12,978)	47%
Convention & Visitors Bureau	201,300	150,975	157,642	6,667	78%
Civic Center	262,750	197,063	199,078	2,015	76%
Matagorda County Museum	48,000	36,000	48,000	12,000	100%
Total Expenditures	$ 558,521	$ 418,891	$ 426,595	$ 7,704	76%
Net Revenue (Expenditures)	$ (65,871)	$ (49,403)	$ (240)	$ 49,163	
Beginning Fund Balance	$ 200,149	$ 200,149	$ 221,561		
Ending Fund Balance	$ 134,278	$ 150,746	221,320		

City of Bay City
Financial Statement
As of June 30, 2014

Police Forfeiture Fund (Fund 24)

Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ 25	$ 2	$ 30	$ 28	120%
Forfeiture Revenue	5,000	417	19,632	19,216	393%
Total Revenues	$ 5,025	$ 419	$ 19,662	$ 19,243	391%
Expenditures					
Personnel	$ 1,000	$ 750	$ -	$ (750)	0%
Supplies & Materials	2,500	1,875	8,233	6,358	329%
Other Charges & Services	-	-	3,093	3,093	N/A
Repairs & Maintenance	-	-	5,522	5,522	N/A
Capital Outlay	5,000	3,750	-	(3,750)	0%
Total Expenditures	$ 8,500	$ 6,375	16,848	$ 10,473	198%
Net Revenue (Expenditures)	$ (3,475)	$ (5,956)	$ 2,814	$ 8,770	
Beginning Fund Balance	$ 23,286	$ 23,286	$ 46,024		
Ending Fund Balance	$ 19,811	$ 17,330	$ 48,838		

Attachment: Financial Reports 6-30-14 (1587 : Financial Statement as of June 30, 2014)

City of Bay City
Financial Statement
As of June 30, 2014

Municipal Court Technology Fund (Fund 29)

Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Court Technology Fee	$ 8,000	$ 6,000	$ 4,606	$ (1,394)	58%
Interest	-	-	29	29	N/A
Total Revenues	$ 8,000	$ 6,000	$ 4,635	$ (1,365)	58%
Expenditures					
Supplies & Materials	$ 700	$ 525	$ -	$ (525)	N/A
Other Charges & Services	20,300	15,225	9,270	(5,955)	46%
Repairs & Maintenance	-	-	-	-	N/A
Total Expenditures	$ 21,000	$ 15,750	$ 9,270	$ (6,480)	44%
Net Revenue (Expenditures)	$ (13,000)	$ (9,750)	$ (4,635)	$ 5,115	
Beginning Fund Balance	$ 46,939	$ 46,939	$ 53,871		
Ending Fund Balance	$ 33,939	$ 37,189	49,236		

City of Bay City
Financial Statement
As of June 30, 2014

Municipal Court Building Security Fund (Fund 27)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Building Security Fee	$ 6,000	$ 4,500	$ 3,454	$ (1,046)	58%
Interest	-	-	25	25	N/A
Total Revenues	$ 6,000	$ 4,500	3,479	$ (1,021)	58%
Expenditures					
Personnel	$ 8,700	$ 6,525	$ 8,725	$ 2,200	100%
Total Expenditures	$ 8,700	$ 6,525	8,725	$ 2,200	100%
Net Revenue (Expenditures)	$ (2,700)	$ (2,025)	$ (5,247)	$ (3,222)	
Beginning Fund Balance	$ 43,563	$ 43,563	$ 47,704		
Ending Fund Balance	$ 40,863	$ 41,538	42,457		

City of Bay City
Financial Statement
As of June 30, 2014

Donation Fund (Fund 21)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 55	$ 55	N/A
Grants	34,400	25,800	-	(25,800)	0%
USO Restoration Donations	-	-	2,000	2,000	#DIV/0!
KBCB Donations	-	-	-	-	N/A
Train Depot Donations	-	-	3,000	3,000	N/A
Animal Impoundment Donations	-	-	15	15	N/A
Total Revenues	$ 34,400	$ 25,800	5,070	$ (20,730)	
Expenditures					
USO Restoration	$ 34,400	$ 25,800	$ 1,422	$ (24,378)	N/A
KBCB	-	-	-	-	N/A
Transfer to Other Funds	-	-	-	-	N/A
Animal Impoundment	-	-	-	-	N/A
Total Expenditures	$ 34,400	$ 25,800	1,422	$ (24,378)	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 3,648	$ 3,648	
Beginning Fund Balance	$ 63,532	$ 63,532	$ 72,230		
Ending Fund Balance	$ 63,532	$ 63,532	75,879		

Attachment: Financial Reports 6-30-14 (1587 : Financial Statement as of June 30, 2014)

City of Bay City
Financial Statement
As of June 30, 2014

Library Fund (Fund 26)
Percent of Fiscal Year Complete 75%

		Total Budget		Budget as of 6 - 14		Actuals		Over(Under) Budget to Date	Percent to Total Budget
Revenues									
Fines	$	7,000	$	5,250	$	6,341	$	1,091	91%
Interest		-		-		38		38	N/A
Rental Proceeds		78,840		59,130		59,130		-	75%
Grants		-		-		9,935		-	N/A
Donations		10,000		7,500		162		(7,338)	2%
County Funding		200,000		150,000		150,000		-	75%
Other Income-Other Entitiy		5,000		3,750		-		(3,750)	0%
Other Income		16,000		12,000		18,431		6,431	115%
Transfer from General Fund		131,480		98,610		98,610		0	75%
Total Revenues	$	448,320	$	336,240		342,646	$	(3,528)	76%
Expenditures									
Personnel	$	250,149	$	187,612	$	170,908	$	(16,703)	68%
Supplies & Materials		61,878		46,409		48,514		2,105	78%
Other Charges & Services		124,235		93,176		81,593		(11,583)	66%
Repairs & Maintenance		15,000		11,250		12,524		1,274	83%
Total Expenditures	$	451,262	$	338,447		313,540	$	(24,907)	69%
Net Revenue (Expenditures)	$	(2,942)	$	(2,207)	$	29,107	$	21,378	
Beginning Fund Balance	$	43,563	$	43,563	$	43,653			
Ending Fund Balance	$	40,621	$	41,357		72,759			

City of Bay City
Financial Statement
As of June 30, 2014

Police Task Force Fund (Fund 30)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 11,107	$ 11,107	N/A
County Funding	-	-	-	-	N/A
City Funding	-	-	-	-	N/A
Total Revenues	$ -	$ -	$ 11,107	$ 11,107	N/A
Expenditures					
Personnel	$ -	$ -	$ 171	$ 171	N/A
Supplies & Materials	-	-	4,689	4,689	N/A
Other Charges & Services	-	-	197	197	N/A
Repairs & Maintenance	-	-	-	-	N/A
Capital Outlay	-	-	-	-	N/A
Total Expenditures	$ -	$ -	5,057	$ 5,057	N/A
Net Revenue (Expenditures)	$ -	$ -	$ 6,050	$ 6,050	
Beginning Fund Balance	$ 20,000	$ 20,000	$ 9,967		
Ending Fund Balance	$ 20,000	$ 20,000	$ 16,017		

City of Bay City
Financial Statement
As of June 30, 2014

Utility Fund (Fund 61)

Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 6,759,500	$ 5,069,625	$ 4,746,660	$ (322,965)	70%
Fines & Penalities	-	-	100	100	N/A
License & Permits	-	-	1,106	1,106	N/A
Miscellaneous	815,000	611,250	191,983	(419,267)	24%
Total Revenues	$ 7,574,500	$ 5,680,875	4,939,849	$ (741,026)	65%
Expenditures					
General Operation	$ 4,329,048	$ 3,246,786	$ 2,938,245	$ (308,541)	68%
Water	923,925	692,944	627,393	(65,551)	68%
Sewer	2,471,790	1,853,843	969,419	(884,424)	39%
Electrical Division	-	-	-	-	N/A
Inspection Division	-	-	-	-	N/A
Warehouse Operations	49,100	36,825	38,167	1,342	78%
Total Expenditures	$ 7,773,863	$ 5,830,397	4,573,223	$ (1,257,174)	59%
Net Revenue (Expenditures)	$ (199,363)	$ (149,522)	$ 366,626	$ 516,148	
Beginning Fund Balance	$ 1,490,351	$ 1,490,351	$ 22,027,155		
Ending Fund Balance	$ 1,290,988	$ 1,340,829	$ 22,393,780		

City of Bay City
Financial Statement
As of June 30, 2014

Utility Debt Service Fund (Fund 63)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 204	$ 204	N/A
Transfer from General Fund	103,050	77,288	77,288	-	75%
Transfer from Utility Fund	910,950	683,213	683,213	-	75%
Transfer from Const. Fund	-	-	-	-	N/A
Total Revenues	$ 1,014,000	$ 760,500	760,704	$ 204	75%
Expenditures					
Other Charges & Services	$ 2,000	$ 1,500	$ -	$ (1,500)	0%
Debt Service	1,012,000	759,000	-	(759,000)	0%
Total Expenditures	$ 1,014,000	$ 760,500	$ -	$ (760,500)	0%
Net Revenue (Expenditures)	$ -	$ -	$ 760,704	$ 760,704	
Beginning Fund Balance	$ 365,872	$ 365,872	$ 143,470		
Ending Fund Balance	$ 365,872	$ 365,872	904,174		

City of Bay City
Financial Statement
As of June 30, 2014

Municipal Airport Fund (Fund 64)

Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Miscellaneous	$ 85,900	$ 64,425	$ 76,881	$ 12,456	90%
Transfers	120,464	90,348	90,348	0	75%
Other Revenue	155,000	116,250	170,752	54,502	110%
Cost of Fuel	(120,000)	(90,000)	(108,503)	(18,503)	90%
Total Revenues	$ 241,364	$ 181,023	229,478	$ 48,455	95%
Expenditures					
Personnel	$ 99,106	$ 74,330	$ 64,026	$ (10,304)	65%
Supplies & Materials	8,300	6,225	7,763	1,538	94%
Other Charges & Services	61,400	46,050	29,872	(16,178)	49%
Repairs & Maintenance	16,000	12,000	9,560	(2,440)	60%
Capital Expenditures	78,000	6,500	40,823	34,323	52%
Total Expenditures	$ 262,806	$ 145,105	152,045	$ 6,940	58%
Net Revenue (Expenditures)	$ (21,442)	$ 35,919	$ 77,434	$ 41,515	
Beginning Fund Balance	$ 61,923	$ 61,923	$ 44,962		
Ending Fund Balance	$ 40,481	$ 97,842	122,396		

Attachment: Financial Reports 6-30-14 (1587 : Financial Statement as of June 30, 2014)

City of Bay City
Financial Statement
As of June 30, 2014

Sanitation Fund (Fund 75)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Charges for Services	$ 29,100	$ 21,825	$ 442,075	$ 420,250	1519%
Miscellaneous	-	-	1,867,805	1,867,805	N/A
Other Revenue	-	-	6,855	6,855	N/A
Total Revenues	$ 29,100	$ 21,825	2,316,735	$ 2,294,910	7961%
Expenditures					
Administration	$ 1,802,288	$ 1,351,716	$ 55,356	$ (1,296,360)	N/A
Residential	-	-	94,779	94,779	N/A
Commercial	-	-	89,141	89,141	N/A
Recycling	-	-	646	646	N/A
Transfer Station	87,245	65,434	131,456	66,023	151%
Total Expenditures	$ 1,889,533	$ 1,417,150	371,379	$ (1,045,771)	20%
Net Revenue (Expenditures)	$ (1,860,433)	$ (1,395,325)	$ 1,945,356	$ 3,340,681	
Beginning Fund Balance	$ 2,177,681	$ 2,177,681	$ 543,685		
Ending Fund Balance	$ 317,248	$ 782,356	2,489,040		

City of Bay City
Financial Statement
As of June 30, 2014

Debt Service Fund (Fund 80)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Property Taxes	$ 405,447	$ 304,085	$ 386,817	$ 82,732	95%
Miscellaneous	-	-	203	203	N/A
Transfers	2,019,823	1,514,867	699,258	(815,609)	35%
Total Revenues	$ 2,425,270	$ 1,818,953	1,086,278	$ (732,675)	45%
Expenditures					
Debt Service	$ 933,344	$ 700,008	$ 40,899	$ (659,109)	4%
Total Expenditures	$ 933,344	$ 700,008	$ 40,899	$ (659,109)	4%
Net Revenue (Expenditures)	$ 1,491,926	$ 1,118,945	$ 1,045,379	$ (73,565)	
Beginning Fund Balance	$ 34,567	$ 34,567	$ 30,568		
Ending Fund Balance	$ 1,526,493	$ 1,153,512	$ 1,075,947		

City of Bay City
Financial Statement
As of June 30, 2014

Information Services Fund (Fund 81)
Percent of Fiscal Year Complete 75%

	Total Budget	Budget as of 6 - 14	Actuals	Over(Under) Budget to Date	Percent to Total Budget
Revenues					
Interest	$ -	$ -	$ 71	$ 71	N/A
Transfers	667,330	500,498	434,622	(65,875)	65%
Other Revenue	-	-	-	-	N/A
Total Revenues	$ 667,330	$ 500,498	$ 434,694	$ (65,804)	65%
Expenditures					
Personnel	$ 243,943	$ 182,957	$ 155,997	$ (26,960)	64%
Supplies & Materials	31,600	23,700	22,174	(1,526)	70%
Other Charges & Services	226,897	170,173	171,140	967	75%
Repairs & Maintenance	43,392	32,544	14,301	(18,243)	33%
Capital Outlay	121,500	91,125	73,242	(17,883)	60%
Total Expenditures	$ 667,332	$ 500,499	436,854	$ (63,645)	65%
Net Revenue (Expenditures)	$ (2)	$ (2)	$ (2,161)	$ (2,159)	
Beginning Fund Balance	$ 291	$ 291	112,875		
Ending Fund Balance	$ 289	$ 290	110,714		

City of Bay City
Financial Statement
As of June 30, 2014

Maintenance Fund (Fund 82)

Percent of Fiscal Year Complete		75%							
		Total Budget		**Budget as of 6 - 14**		**Actuals**		**Over(Under) Budget to Date**	**Percent to Total Budget**
<u>Revenues</u>									
Interest	$	-	$	-	$	218	$	218	N/A
Transfers		526,100		394,575		356,698		(37,877)	68%
Other Revenue		-		-		-		-	N/A
Total Revenues	$	526,100	$	394,575	$	356,916	$	(37,659)	68%
<u>Expenditures</u>									
Equipment Maintenance	$	247,723	$	185,792	$	168,335	$	(17,457)	68%
Facility Maintenance		317,848		238,386		194,766		(43,620)	61%
Total Expenditures	$	565,571	$	424,178		363,102	$	(61,077)	64%
Net Revenue (Expenditures)	$	(39,471)	$	(29,603)	$	(6,186)	$	23,418	
Beginning Fund Balance	$	(5,361)	$	(5,361)		7,724			
Ending Fund Balance	$	(44,832)	$	(34,964)		1,538			

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Finance
Category: Budget
Prepared By: Phill Conner
Initiator: Phill Conner
Sponsors:
DOC ID: 1588

AGENDA ITEM (ID # 1588)

ACCOUNTS PAYABLE FOR: 4/10/14, 4/17/14, 4/24/14, 4/30/14, 5/1/14, 5/8/14, 5/15/14, 5/22/14, 5/29/14, 6/5/14, 6/12/14, 6/19/14, 6/24/14, AND 6/26/14; DIRECT PAYABLES FOR: 5/2/14, 5/15/14, 5/23/14, 5/28/14, 6/4/14, 6/11/14, 6/16/14, AND 6/26/14; AND UTILITY REFUNDS FOR: 5/1/14, 5/29/14 AND 5/29/14.

RESULT:	**APPROVED BY CONSENT VOTE [UNANIMOUS]**
MOVER:	Chrystal Folse, Councilwoman
SECONDER:	Carolyn Thames, Mayor Pro-Tem
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

AGENDA ITEM REQUEST
FOR
CITY COUNCIL APPROVAL

THE FOLLOWING **ACCOUNTS PAYABLE** ITEMS HAVE BEEN APPROVED BY THE FINANCE COMMITTEE. PLEASE PLACE THESE ITEMS ON THE AGENDA OF THE NEXT SCHEDULED CITY COUNCIL MEETING AND REQUEST APPROVAL BY CITY COUNCIL.

ACCOUNTS PAYABLE	**04/10/14**
ACCOUNTS PAYABLE	**04/17/14**
ACCOUNTS PAYABLE	**04/24/14**
ACCOUNTS PAYABLE	**04/30/14**
ACCOUNTS PAYABLE	**05/01/14**
ACCOUNTS PAYABLE	**05/08/14**
ACCOUNTS PAYABLE	**05/15/14**
ACCOUNTS PAYABLE	**05/22/14**
ACCOUNTS PAYABLE	**05/29/14**
ACCOUNTS PAYABLE	**06/05/14**
ACCOUNTS PAYABLE	**06/12/14**
ACCOUNTS PAYABLE	**06/19/14**
ACCOUNTS PAYABLE	**06/24/14**
ACCOUNTS PAYABLE	**06/26/14**
DIRECT PAYABLES	**05/15/14**
DIRECT PAYABLES	**05/02/14**
DIRECT PAYABLES	**05/23/14**
DIRECT PAYABLES	**05/28/14**
DIRECT PAYABLES	**06/04/14**
DIRECT PAYABLES	**06/11/14**
DIRECT PAYABLES	**06/16/14**
DIRECT PAYABLES	**06/26/14**
UTILITY REFUNDS	**05/01/14**
UTILITY REFUNDS	**05/29/14**
UTILITY REFUNDS	**05/29/14**

RESPECTFULLY SUBMITTED

Phill Conner

PHILL CONNER

Attachment: AP for Council Agenda (1588 : Accounts Payable)

FINANCE DIRECTOR

7/28/14

DATE

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1591)

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1591

CONSIDER AND/OR APPROVE THE 2014-2015 CITY OF BAY CITY EMPLOYEE BENEFITS PLAN.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1581

DISCUSSION ITEM (ID # 1581)

DISCUSS CONCERNS WITH THE OPERATION OF THE 16TH STREET POOL.

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1579

DISCUSSION ITEM (ID # 1579)

DISCUSS REGULATING PAY DAY LOAN COMPANIES WITHIN THE CITY OF BAY CITY LIMITS.

CITY OF BAY CITY
1901 FIFTH STREET
BAY CITY, TEXAS 77414
(979) 245-2137
FAX: (979) 323-1626

AGENDA ITEM REQUEST FORM

Complete Submissions Required:

Any item, to be considered for action by the City Council, must be presented on this form, along with any unprivileged documentation and must be filed and complete to have an item placed on the City Council Agenda for consideration (This process is not required for members of the governing body, but it is encouraged). Before being considered filed for placement on the agenda, a summary of the item, all supporting documentation and review of the item from each City Department must be performed for the request to be complete. If the request is from a citizen, the City shall expedite review through internal means. Request forms must be complete and received by the City Secretary's office no later than 5:00 p.m. on the Wednesday of the week prior to the Regular Council meeting to be placed on that meeting's agenda. The item may be placed on workshop or special council meeting agenda if deemed appropriate by the City. Only completed request forms are considered for placement on the agenda.

Regular Council meetings are held on the second and fourth Thursday of the month at 7:00 p.m. in the Council Chambers at City Hall. Agenda items shall be set for consideration pursuant to City Code Section 2-47, as amended.

Requestor: Bill Key
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 8-6-14

☑ Citizen ☐ City Department ☐ Council Member

Address: 10 Shantilly Lane
Bay City TX 77414

Preferred contact: ☑ Cell 979-557-3611 ☐ Work phone ______
☐ E-mail ______ ☐ Fax ______

Approve

14 RC.

I respectfully request the below item be placed on the 8-6-14 Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: Pay day loans

2) Executive Summary of Item and action by council sought: Regulations

3) Do you need time to present this item? ☑ Yes ☐ No If so, how much? 5 minutes

Attachment: 20140814 - Pay Day Loans (1579 : Pay Day Loan)

ADMIN / OFFICIAL USE ONLY:

Consent Item: ☐ Yes ☑ No

Any Prior City Council Action: ☐ Yes ☑ No

Deadline for City Council Action: ______________

Projected Future City Council Action: ______________

Fiscal Impact: ____

____

Staff Recommendation on this requested item:

Mayor's Office	☐ Yes	☐ No _____	☐ Na	
City Attorney's Office	☐ Yes	☐ No _____	☐ Na	
City Secretary Department	☐ Yes	☐ No _____	☐ Na	
Finance Department	☐ Yes	☐ No _____	☐ Na	
Police Department	☐ Yes	☐ No _____	☐ Na	
Public Works	☐ Yes	☐ No _____	☐ Na	
Community Service (AP, PR, MS, and LB)	☐ Yes	☐ No _____	☐ Na	
Utility Department	☐ Yes	☐ No _____	☐ Na	

Staff Comments: ____

____

____

____

Anticipated Time necessary for Item: ______________________________

TRACKING:

Received by City Secretary: 8/6/2014 **Staff Initial** RC

Administratively Complete: 8/6/14 **Staff Initial** RC

Date of Agenda placed for consideration: 8/14-2014 **Staff Initial** RC

Council action taken: ______________________ on ______________________

☐ Yes ☐ No ☐ Na

____

____

____

____

M Ricardo Olvera

SIGNATURE – City Secretary's Office

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 1577)

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1577

CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ESTABLISHING A CURFEW FOR MINORS FIFTEEN (15) YEARS OF AGE AND UNDER TO PROHIBIT BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF 11:00 P.M. AND 6:00 A.M. WEEKDAYS, AND MIDNIGHT AND 6:00 A.M. WEEKENDS; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS AND ADOPTING CERTAIN EXCEPTIONS AND FURTHER PROVIDING FOR REVIEW OF THE EFFICIENCY OF THIS ORDINANCE EVERY THREE YEARS FROM AND AFTER THE DATE OF PASSAGE HEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Steven Johnson, Councilman
SECONDER:	William Cornman, Councilman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ESTABLISHING A CURFEW FOR MINORS FIFTEEN (15) YEARS OF AGE AND UNDER TO PROHIBIT BEING IN ANY PUBLIC PLACE BETWEEN THE HOURS OF 11:00 P.M. AND 6:00 A.M. WEEKDAYS, AND MIDNIGHT AND 6:00 A.M. WEEKENDS; PROVIDING AN ENFORCEMENT PROCEDURE; ESTABLISHING CRIMINAL PENALTIES FOR MINORS AND FOR PARENTS OF MINORS AND ADOPTING CERTAIN EXCEPTIONS AND FURTHER PROVIDING FOR REVIEW OF THE EFFICENCY OF THIS ORDINANCE EVERY THREE YEARS FROM AND AFTER THE DATE OF PASSAGE HEREOF; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Bay City has previously adopted Juvenile Curfew Ordinance for the City of Bay City; and

WHEREAS, the City Council of the City of Bay City finds that said previously adopted Juvenile Curfew Ordinance has expired; and

WHEREAS, the City Council of the City of Bay City finds that it has held two public hearings regarding the adoption of this ordinance; and

WHEREAS, the City Council of the City of Bay City finds that the City is a stable family community where parental responsibility for the whereabouts of children is the norm; and

WHEREAS, the City Council of the City of Bay City finds that during nocturnal hours children are at a greater risk for victimization or becoming involved in delinquent or criminal behavior; and

WHEREAS, he City Council of the City of Bay City finds that during school hours, children should be pursuing education goals and not engaged in activities which are non-productive; and

WHEREAS, the City Council of the City of Bay City finds that as parental control increases, the likelihood of children being victimized or becoming involved in delinquent or criminal behavior decreases; and

WHEREAS, the City Council of the City of Bay City finds that the victimization of children and the involvement of children in crime and violent crime have reached an unacceptable and alarming level compelling this City Council to adopt an ordinance of this nature for the public good, safety and welfare ; and

WHEREAS, a curfew would equip law enforcement with a tool for keeping youth off the streets, and provide parents with a legitimate, legal basis for restricting the activities of their children; and

WHEREAS, the City Council of the City of Bay City finds and determines that a curfew for those fifteen years of age and under will be in the interest of the public health, safety, and general welfare, and will help to attain the foregoing objectives and will continue to diminish the undesirable impact of such conduct on the citizens of the City of Cibolo.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS:

SECTION ONE. Short Title.

This Ordinance shall be known and may be cited as the "Curfew Ordinance."

SECTION TWO. Purpose.

The purpose of this Ordinance is to protect the welfare of children by:

1. Reducing the likelihood that children will be the victims of criminal acts during curfew hours;
2. Reducing the likelihood that children will become involved in criminal acts during curfew hours;

3. Encouraging children to remain in school; and
4. Aiding parents, guardians, custodians, or other responsible persons in carrying out their responsibility to exercise reasonable supervision of the children entrusted to their care.

SECTION THREE. Definitions.

In this Ordinance the following terms and definitions shall apply:

A. *CHIEF OF POLICE* means the chief of police of the City of Bay City or a designated representative.
B. *COMMERCIAL ESTABLISHMENT* means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment and includes all adjacent parking areas under the control of the owner of the commercial establishment.
C. *CURFEW HOURS* means:
1. 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day;
2. 12:00 midnight until 6:00 A.M. on any Friday or Saturday; and
3. 9:00 A.M. through 3:00 P.M. on School Attendance Days.

D. *DIRECT ROUTE* means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.
E. *EMERGENCY* means, but is not limited to, a fire, a natural disaster, accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
F. *MINOR* means any person 15 years of age or younger.
G. *PARENT* means a person who is any natural parent of a minor or a legal guardian.
H. *GUARDIAN* means an adult person who has, by any court order, the guardianship or conservatorship of a minor.
I. *CUSTODIAN* means an adult person with whom the minor resides and who has apparent control of the minor.
J. *TRUANT* means a student who stays away from school without permission.
K *REMAIN OR REMAINS* means:
1. To stay behind, tarry and stay unnecessarily upon a public place, including congregating in groups or individual minors in which any minor included would not be using the public place for exempted purpose as set forth in Section Five of this Ordinance; and
2. To fail to leave a public place or commercial establishment when requested to do so by a police officer or the owner, operator, or other person in control of the public place or commercial establishment.

SECTION FOUR: *Offenses.*

A. A minor commits an offense if he remains in any public place or on the premises of any commercial establishment within the city during curfew hours.

B. A parent, guardian, or custodian commits an offense if he or she knowingly permits or by insufficient control allows a minor in his or her care to be or remain in any public

Attachment: ORDINANCE NO. - Curfew Ordinance (1577 : Curfew Ordinance) place or to be or remain in any commercial establishment other than for excepted activities as cited in Section Five, during the curfew hours established by this ordinance. The term "knowingly" includes knowledge which a parent, guardian, or custodian should reasonably be expected to have concerning the whereabouts of a minor in such person's custody. It shall be prima facie evidence of violation of this section if a responsible parent, guardian or custodian has no knowledge of a minor's whereabouts during the hours of curfew established by this ordinance.

C. It shall be unlawful for the owner or operator of a commercial establishment to knowingly allow a minor to remain upon such business premises during the hours of curfew established in this ordinance beyond the time necessary to conduct an expected activity. It shall be no defense to this section that a minor made a purchase, if the minor did not immediately make such purchase upon arrival and depart immediately thereafter. It shall be a defense to prosecution under this section that the owner or operator of such commercial establishment has promptly notified the Bay City Police Department that a minor or minors who are present on the premises after hours have refused to depart.

SECTION FIVE. Defenses.

It is a defense to prosecution under Section 2 of this Ordinance that:

(a) The minor was accompanied by his or her parent;

(b) On an errand at the direction of the minor’s parent, guardian, or custodian and was using a direct route;

(c) The minor was accompanied by another adult approved by the parents;

(d) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area is the most direct route;

(e) Engaged in an employment activity, including, but not limited to, newspaper delivery and was using a direct route;

(f) Involved in an emergency;

(g) The minor was attending a school, government sponsored, or religious activity or was going to or coming from a school, government or religious sponsored activity by a direct route;

(h) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor has permission from his/her parent or guardian to be or on the sidewalk of a next-door neighbor not communicating an objection to the police officer;

(i) High School lunch with a valid Bay City High School I.D. Card;

(j) The minor was exercising his or her First Amendment Rights protected by the United States or Texas Constitution, including, but not limited to the free exercise of religion, freedom of speech and freedom of assembly.

(k) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or

(l) Traveling in a direct route to the minor's residence after any organized athletic activity.

SECTION SIX. Penalties.

(a) Any minor violating the provisions of this Ordinance shall be guilty of a Class “C” misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of Title 3 of the Texas Family Code.

(b) A parent of a minor violating this Ordinance shall be guilty of a Class “C” misdemeanor, which shall be punishable by a fine of not less than $50.00 nor more than $500.00.

(c) A commercial establishment owner or operator violating this Ordinance shall be guilty of a Class “C” misdemeanor, which shall be punishable by a fine of not less than $50.00 nor more than $500.00.

SECTION SEVEN. Review.

Pursuant to Texas Local Government Code 370.002 the City Council shall review this juvenile curfew ordinance every three (3) years from and after the date of passage hereof to determine:

(1) the effects on the community and on problems the ordinance is intended to to remedy;

(2) to conduct a public hearing on the need to continue the ordinance; and,

(3) if necessary or appropriate to abolish, continue, or modify this ordinance.

SECTION EIGHT. Severability.

It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

SECTION NINE. Effective Date.

This Ordinance shall become effective upon passage and publication in a newspaper of general circulation within ten (10) days after passage.

____
MARK A. BRICKER, MAYOR

ATTEST:

____
RHONDA CLEGG, CITY SECRETARY

APPROVED AS TO LEGAL SUFFICIENCY:

____
GEORGE HYDE, CITY ATTORNEY
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

BAY CITY POLICE DEPARTMENT
2201 AVENUE H
BAY CITY, TX 77414
Office: (979) 245-8500 Fax: Fax (979) 245-5758

Captain
Christella Rodriguez

Chief of Police
Roger Barker

Captain
Robert Lister

August 8, 2014

Mayor and Council Members,

Please accept this letter as my endorsement to approve and continue the Bay City Curfew Ordinance. The ordinance is a valuable tool to local law enforcement in keeping our youth safe. Additionally, it provides an avenue for accountability to both the parent(s) and youth. While it is true that our statistics show a very low number of juvenile curfew violations, it is our firm belief that this is due to the effective enforcement of our current ordinance over years past. This ordinance does not infringe upon the movement of our youth to properly sponsored events, such as school, church and work related functions. It does however prohibit them from wandering the streets at all hours of the night without any accountability or oversight.

As recently as last week officers made contact with two juveniles for a possible curfew violation. During the course of the stop it was learned the youths were using marijuana and were responsible for the theft of two vehicles, one that same night. As far as punitive repercussions our officers only issue an actual citation in less than 40% of violations encountered, the majority of these are in cases of previously warned individuals. Officers opt to issue a warning citation the majority of the time and have found that this, along with a conference with the juvenile's responsible adult is sufficient in most cases. The Bay City Police Department does refer a majority of curfew violations to the Bay City ISD Police for disposition. According to B.C.I.S.D. records they handled 111 curfew related cases involving senior and junior high students the past 12 months.

In summation, the Bay City Police Department does support the curfew ordinance and we encourage City Council members to maintain the ordinance for the overall safety and good of our youth and community.

Respectfully Submitted,

Roger A. Barker

Roger A. Barker,
Chief of Police

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

ORDINANCE (ID # 1589)

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Personnel
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1589

DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, MERGING THE FIRE MARSHALL POSITION AND THE CODE ENFORCEMENT DIVISION INTO THE POLICE DEPARTMENT; REDESIGNATING THE FIRE MARSHALL POSITION AS A POSITION IN THE POLICE DEPARTMENT; REDESIGNATING THE CODE ENFORCEMENT DIVISION AS A DIVISION OF THE POLICE DEPARTMENT; REASSIGNING AND REDESIGNATING DEPARTMENTAL PERSONNEL; DESIGNATING CONTROL OF PERSONNEL; ESTABLISHING OPERATIVE DATES FOR CONSOLIDATION; PROVIDING FOR A REPEALING CLAUSE, SEVERABILITY CLAUSE, AND DESIGNATING AN EFFECTIVE DATE.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	William Cornman, Councilman
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

ORDINANCE NO._______________

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, MERGING THE FIRE MARSHALL POSITION AND THE CODE ENFORCEMENT DIVISION INTO THE POLICE DEPARTMENT; REDESIGNATING THE FIRE MARSHALL POSITION AS A POSITION IN THE POLICE DEPARTMENT; REDESIGNATING THE CODE ENFORCEMENT DIVISION AS A DIVISION OF THE POLICE DEPARTMENT; REASSIGNING AND REDESIGNATING DEPARTMENTAL PERSONNEL; DESIGNATING CONTROL OF PERSONNEL; ESTABLISHING OPERATIVE DATES FOR CONSOLIDATION; PROVIDING FOR A REPEALING CLAUSE, SEVERABILITY CLAUSE, AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, Section 7.05, Subsection (b) of the City of Bay City Home Rule charter provides that Council may, by Ordinance, redesignate or combine any of the departments appointed officers, city positions, deputies, assistant department heads; and

WHEREAS, Section 7.05, Subsection (h) of the City of Bay City Home Rule charter provides that Council may by Ordinance, create, discontinue, redesignate, or combine any of the departments, appointed officers, City positions, deputies, assistant officers and assistant department heads; and

WHEREAS, the City Council of the City of Bay City believes that merging the Fire Marshall position and Code Enforcement Division into the Police Department and redesignating them as Divisions within the Police Department will streamline operations, expedite manpower, increase cost effectiveness, increase efficiency, and make management more responsive to the needs of the City, and

WHEREAS, by creating the Fire Marshall Position and Code Enforcement Division as divisions within and under the Police Department, accountability and oversight by the Police Chief will increase.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AS FOLLOWS:

Section 1. Consolidation of Fire Marshall Position and the Code Enforcement Division into the Police Department

That the position of Fire Marshall and the Code Enforcement Division of the City of Bay City are hereby merged into the Police Department of the City of Bay City.

Section 2. Redesignation of the position of Fire Marshall and the Code Enforcement Division as Divisions of the Police Department

That the position of Fire Marshall and the division of Code Enforcement of the City of Bay City are hereby redesignated as division of the Police Department of the City of Bay City.

Section 3. Reassignment of Department Personnel

That all existing department heads, if any, as the Fire Marshall or at the Code Enforcement Division, are hereby reassigned to the Police Department.

Section 4. Control of Department Personnel

That all existing non-department head employees with the Fire Marshall or with the Code Enforcement Division are hereby placed under the full control and authority of the Police Chief.

Section 6. Relocation of Existing Fire Marshall and Code Enforcement Offices.

That the existing Fire Marshall and Code Enforcement Offices and its operations located at 1217 Avenue J are hereby directed to be moved to the Police Department located at 2201 Avenue H as soon as the Chief of Police has determined that said move is practical.

Section 9. Consolidation of Budgets of the Fire Marshall and Code Enforcement Division.

That the budgets of Fire Marshall and Code Enforcement Division are hereby merged and consolidated into and as a part of the Police Department's budget.

Section 10. Operative Dates for Consolidation

This Ordinance shall be effective and operative August 18, 2014.

Section 11. Repealing Clause

That all Ordinances, Resolutions, or parts thereof, in conflict herewith are repealed to the extent of such conflict.

Section 12. Severability Clause

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid the remaining provisions, sections, subsections, sentences, clauses, and phrases shall not be affected hereby, it being the intent of the City Council in adopting the Ordinance that no portion thereof or provisions or regulation contained therein shall become inoperative of fail by reason of an unconstitutionality or invalidity of any one or more of provision hereof, and all provisions of this Ordinance are declared to be severable.

Section 12. Effective Date. This Ordinance was passed, approved and effective on the 14th day of August, 2014.

____
Mayor Mark A. Bricker
City of Bay City, Texas

ATTEST:

____
Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

____
George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

Council Member:	Voted Aye	Voted No	Absent
Julie L. Estlinbaum	____________	____________	____________
Bill Cornman	____________	____________	____________
Chrystal Folse	____________	____________	____________
Steven Johnson	____________	____________	____________
Carolyn Thames, Mayor Pro Tem	____________	____________	____________

____

Mark A. Bricker, Mayor,
City of Bay City

ATTEST:

____

Rhonda Clegg, City Secretary

APPROVED AS TO FORM:

____

George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1571

DISCUSSION ITEM (ID # 1571)

PUBLIC HEARING TO DISCUSS TEXAS ENTERPRISE PROJECT DESIGNATION PROCESS AND BENEFITS UNDER THE TEXAS ENTERPRISE ZONE PROGRAM.

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 1572)

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1572

FIRST READING OF AN ORDINANCE DECREEING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM, IDENTIFYING TAX INCENTIVES, DESIGNATING A CITY LIAISON FOR THE ENTERPRISE ZONE PROGRAM, AND NOMINATING TENARIS BAY CITY, INC., AS A TRIPLE JUMBO ENTERPRISE PROJECT.

ORDINANCE NO. ________________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING TENARIS BAY CITY, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS A TRIPLE JUMBO ENTERPRISE PROJECT (PROJECT).

WHEREAS, the City Council of the City of **BAY CITY**, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, **TENARIS BAY CITY, INC.** has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that **TENARIS BAY CITY, INC.** meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on **AUGUST 14, 2014**;

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

Section 1: The City nominates **TENARIS BAY CITY, INC.** for **TRIPLE JUMBO ENTERPRISE PROJECT** status.

Section 2: The following local incentives, at the election of the governing body, are or will be made available to the nominated project or activity of the qualified business:

a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of **BAY CITY** Tax Abatement Policy, and with qualified employee being defined by the Act.

b) The City may provide regulatory relief to businesses, including:
1) zoning changes or variances;
2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
3) streamlined permitting.

c) The City may provide enhanced municipal services to businesses, including:
1) improved police and fire protection;
2) institution of community crime prevention programs; or
3) special public transportation routes or reduced fares.

d) The City may provide improvements in community facilities, including:
1) capital improvements in water and sewer facilities;
2) road repair; or
3) creation or improvement of parks.

e) The City may provide improvements to housing, including:
1) low-interest loans for housing rehabilitation, improvement, or new construction; or
2) transfer of abandoned housing to individuals or community groups.

f) The City may provide business and industrial development services, including:
1) low-interest loans for business;
2) use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
5) promotion and marketing services.

g) The City may provide job training and employment services to businesses, including:
1) retraining programs;
2) literacy and employment skills programs;
3) vocational education; or
4) customized job training.

Section 3: The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section 4: The City of **BAY CITY** City Council directs and designates its **EXECUTIVE DIRECTOR OF THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION** as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Section 5: The City finds that **TENARIS BAY CITY, INC.** meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

(a.) **TENARIS BAY CITY, INC.** is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least **thirty-five percent (35%)** of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

(b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and (c.) The designation of **TENARIS BAY CITY, INC.** as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate not more than five (5) years after the date of designation.

Section 7: This ordinance shall take effect from and after its passage as the law and charter in such case provides.

PASSED AND APPROVED this **14th** day of **August**, **2014**.

PASSED AND ADOPTED this the **28th** day of **August**, **2014**.

____
MARK BRICKER, MAYOR

Attest:

____
RHONDA CLEGG, CITY SECRETARY

Approved as to form:

____
GEORGE HYDE, CITY ATTORNEY
CITY OF BAY CITY
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

COUNCIL MEMBER:	VOTED AYE	VOTED NO	ABSENT
JULIE L. ESTLINBAUM	______	______	______
BILL CORNMAN	______	______	______
CHRYSTAL FOLSE	______	______	______
STEVEN JOHNSON	______	______	______
CAROLYN THAMES, MAYOR PRO TEM	______	______	______

____

MARK A. BRICKER, MAYOR,
CITY OF BAY CITY

ATTEST:

____

RHONDA CLEGG, CITY SECRETARY

APPROVED AS TO FORM:

____

GEORGE HYDE, CITY ATTORNEY
CITY OF BAY CITY
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

* * * NOTES * * *

NOTE 1: THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES. CONSULTATION WITH YOUR CITY ATTORNEY IS STRONGLY RECOMMENDED.

NOTE 2: PURSUANT TO SB1205 PASSED DURING THE REGULAR SESSION OF THE 71ST LEGISLATURE, DESIGNATION OF AN ENTERPRISE ZONE AUTOMATICALLY DESIGNATES A REINVESTMENT ZONE FOR PURPOSES OF TAX ABATEMENT AFTER AUGUST 28, 1989. THE REINVESTMENT ZONE IS EFFECTIVE FOR THE LIFE OF THE ENTERPRISE ZONE. THE ESTABLISHMENT OF AN ENTERPRISE ZONE AND REINVESTMENT ZONE DOES NOT CREATE A MANDATE THAT AD VALOREM TAX ABATEMENT HAS TO BE OFFERED TO ANY PARTY. BEFORE A TAXING ENTITY MAY CREATE A REINVESTMENT ZONE, THE TAXING ENTITY MUST FIRST OFFICIALLY ADOPT "GUIDELINES AND CRITERIA" THAT SET THE TERMS AND CONDITIONS TO GUIDE TAX ABATEMENT AGREEMENTS. THE GUIDELINES AND CRITERIA MUST BE READOPTED EVERY TWO YEARS, IN ACCORDANCE WITH CHAPTER 312.002(c), TEXAS TAX CODE.

NOTE 3: STATUTE ONLY REQUIRES ONE READING. ADDITIONAL READINGS ARE NECESSARY ONLY IF REQUIRED BY YOUR COMMUNITY.

NOTE 4: PUBLIC HEARING MUST OCCUR BEFORE ORDINANCE OR ORDER IS PASSED.

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1573

ORDINANCE (ID # 1573)

CONSIDER AND ACT UPON PASSAGE OF AN ORDINANCE DECREEING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM, IDENTIFYING TAX INCENTIVES, DESIGNATING A CITY LIAISON FOR THE ENTERPRISE ZONE PROGRAM, AND NOMINATING TENARIS BAY CITY, INC., AS A TRIPLE JUMBO ENTERPRISE PROJECT.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

ORDINANCE NO. ________________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING TENARIS BAY CITY, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS A TRIPLE JUMBO ENTERPRISE PROJECT (PROJECT).

WHEREAS, the City Council of the City of **BAY CITY**, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, **TENARIS BAY CITY, INC.** has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that **TENARIS BAY CITY, INC.** meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on **AUGUST 14, 2014**;

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

Section 1: The City nominates **TENARIS BAY CITY, INC.** for **TRIPLE JUMBO ENTERPRISE PROJECT** status.

Section 2: The following local incentives, at the election of the governing body, are or will be made available to the nominated project or activity of the qualified business:

a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of **BAY CITY** Tax Abatement Policy, and with qualified employee being defined by the Act.

b) The City may provide regulatory relief to businesses, including:
   1) zoning changes or variances;
   2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
   3) streamlined permitting.

c) The City may provide enhanced municipal services to businesses, including:
   1) improved police and fire protection;
   2) institution of community crime prevention programs; or
   3) special public transportation routes or reduced fares.

d) The City may provide improvements in community facilities, including:
   1) capital improvements in water and sewer facilities;
   2) road repair; or
   3) creation or improvement of parks.

e) The City may provide improvements to housing, including:
   1) low-interest loans for housing rehabilitation, improvement, or new construction; or
   2) transfer of abandoned housing to individuals or community groups.

f) The City may provide business and industrial development services, including:
   1) low-interest loans for business;
   2) use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
   3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
   4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
   5) promotion and marketing services.

g) The City may provide job training and employment services to businesses, including:
   1) retraining programs;
   2) literacy and employment skills programs;
   3) vocational education; or
   4) customized job training.

Section 3: The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section 4: The City of **BAY CITY** City Council directs and designates its **EXECUTIVE DIRECTOR OF THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION** as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Section 5: The City finds that **TENARIS BAY CITY, INC.** meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

(a.) **TENARIS BAY CITY, INC.** is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least **thirty-five percent (35%)** of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

(b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and (c.) The designation of **TENARIS BAY CITY, INC.** as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 6: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate not more than five (5) years after the date of designation.

Section 7: This ordinance shall take effect from and after its passage as the law and charter in such case provides.

PASSED AND APPROVED this **14th** day of **August**, **2014**.

PASSED AND ADOPTED this the **28th** day of **August**, **2014**.

____
MARK BRICKER, MAYOR

Attest:

____
RHONDA CLEGG, CITY SECRETARY

Approved as to form:

____
GEORGE HYDE, CITY ATTORNEY
CITY OF BAY CITY
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

COUNCIL MEMBER:	VOTED AYE	VOTED NO	ABSENT
JULIE L. ESTLINBAUM	____________	____________	____________
BILL CORNMAN	____________	____________	____________
CHRYSTAL FOLSE	____________	____________	____________
STEVEN JOHNSON	____________	____________	____________
CAROLYN THAMES, MAYOR PRO TEM	____________	____________	____________

____
MARK A. BRICKER, MAYOR,
CITY OF BAY CITY

ATTEST:

____
RHONDA CLEGG, CITY SECRETARY

APPROVED AS TO FORM:

____
GEORGE HYDE, CITY ATTORNEY
CITY OF BAY CITY
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

*** * * NOTES * * ***

NOTE 1: THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES. CONSULTATION WITH YOUR CITY ATTORNEY IS STRONGLY RECOMMENDED.

NOTE 2: PURSUANT TO SB1205 PASSED DURING THE REGULAR SESSION OF THE 71ST LEGISLATURE, DESIGNATION OF AN ENTERPRISE ZONE AUTOMATICALLY DESIGNATES A REINVESTMENT ZONE FOR PURPOSES OF TAX ABATEMENT AFTER AUGUST 28, 1989. THE REINVESTMENT ZONE IS EFFECTIVE FOR THE LIFE OF THE ENTERPRISE ZONE. THE ESTABLISHMENT OF AN ENTERPRISE ZONE AND REINVESTMENT ZONE DOES NOT CREATE A MANDATE THAT AD VALOREM TAX ABATEMENT HAS TO BE OFFERED TO ANY PARTY. BEFORE A TAXING ENTITY MAY CREATE A REINVESTMENT ZONE, THE TAXING ENTITY MUST FIRST OFFICIALLY ADOPT "GUIDELINES AND CRITERIA" THAT SET THE TERMS AND CONDITIONS TO GUIDE TAX ABATEMENT AGREEMENTS. THE GUIDELINES AND CRITERIA MUST BE READOPTED EVERY TWO YEARS, IN ACCORDANCE WITH CHAPTER 312.002(c), TEXAS TAX CODE.

NOTE 3: STATUTE ONLY REQUIRES ONE READING. ADDITIONAL READINGS ARE NECESSARY ONLY IF REQUIRED BY YOUR COMMUNITY.

NOTE 4: PUBLIC HEARING MUST OCCUR BEFORE ORDINANCE OR ORDER IS PASSED.

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Policy
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1574

AGENDA ITEM (ID # 1574)

CONSIDER AND/OR APPROVE, IF NECESSARY, AUTHORIZING MAYOR MARK BRICKER AND BAY CITY COMMUNITY DEVELOPMENT EXECUTIVE DIRECTOR DC DUNHAM TO EXECUTE TEXAS ENTERPRISE DESIGNATION NOMINATION APPLICATION FORMS ON BEHALF OF THE CITY OF BAY CITY.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Julie Estlinbaum, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

AGENDA ITEM (ID # 1576)

Meeting: 08/14/14 07:00 PM
Department: Community Development
Category: Contract
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 1576

DISCUSS, CONSIDER OR APPROVE AUTHORIZING THE MAYOR TO SIGN THE US DEPARTMENT OF COMMERCE EDA FINANCIAL ASSISTANCE AWARD CONTRACT FOR $1,200,000 FOR INFRASTRUCTURE IMPROVEMENTS ON HWY 35.

Department of Commerce's Economic Development Administration (EDA) has approved a financial assistance award for $1,200,000 for water, sewer and roadway improvements along TX 35 awarded to the City of Bay City, Matagorda County and TxDOT. A $1,440,000 Texas Capital Fund grant awarded to Matagorda County and $240,000 Tenaris funds to be used as match.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Carolyn Thames, Mayor Pro-Tem
SECONDER:	Chrystal Folse, Councilwoman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
504 Lavaca, Suite 1100
Austin, Texas 78701-2858

JUL 28 2014

In reply refer to:
EDA Investment No. 08-01-04955

The Honorable Mark Bricker
Bay City Mayor
Bay City, Texas 77414

The Honorable Nate McDonald
Matagorda County Judge
Bay City, Texas 77414

and

Mr. Paul Frerich, District Engineer
Texas Department of Transportation
Yoakum District Office
Yoakum, Texas 77995

Gentlemen:

I am pleased to inform you that the Department of Commerce's Economic Development Administration (EDA) has approved a Financial Assistance Award for $1,200,000. This EDA investment will support infrastructure activities, i.e., water, sewer, and roadway improvements along TX 35.

Enclosed are three signed copies of the Financial Assistance Award. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official on each of the signed copies of the Financial Assistance Award. Two of the executed copies should be returned to Pedro R. Garza, Regional Director, 504 Lavaca Street, Suite 1100, Austin, Texas 78701. If not signed and returned within 30 days of receipt, EDA may declare the Award null and void.

Please do not make any commitments in reliance on this award until you have carefully reviewed and accepted the terms and conditions. Any commitments entered into prior to obtaining the approval of EDA in accordance with its regulations and requirements will be at your own risk.

EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA implements this mission by making strategic investments in the nation's most economically distressed communities that encourage private sector collaboration and creation of higher-skill, higher wage jobs. EDA investments are results driven, embracing the principles of technological innovation, entrepreneurship and regional development.

I share your expectations regarding the impact of this investment and look forward to working with you to meet the economic development needs of your community.

Sincerely,

PRG

Pedro R. Garza
Regional Director

Enclosures

FORM CD-450
(REV. 6-08)
DAO 203-26

U.S. DEPARTMENT OF COMMERCE

☑ GRANT ☐ COOPERATIVE AGREEMENT

FINANCIAL ASSISTANCE AWARD

PRIMARY RECIPIENT NAME AND ADDRESS City of Bay City | 1901 Fifth Street | Bay City, TX 77414-6143	AWARD PERIOD From Date of Approval to 60 Months
SECONDARY RECIPIENT NAME AND ADDRESS Matagorda County | 1700 Seventh Street | Bay City, TX 77414-5080	AWARD NUMBER 08-01-04955
SECONDARY RECIPIENT NAME AND ADDRESS Texas Department of Transportation | Yoakum District Office | 403 Huck Street | Yoakum, TX 77995	FEDERAL SHARE OF COST $ 1,200,000.00
AUTHORITY PWEDA of 1965, as amended (42 U.S.C. § 3121 et. seq.)	RECIPIENT SHARE OF COST $ 1,680,000.00
	TOTAL ESTIMATED COST $ 2,880,000.00

CFDA NO. AND PROJECT TITLE

11.300, Title II, Section 201, Public Works Assistance| Infrastructure for the Tenaris Manufacturing Corridor

BUREAU	FUND	FCFY	PROJECT-TASK	ORGANIZATION	OBJECT CLASS
20	40	14	00	08	41-10-00-00

This Award approved by the Grants Officer is issued in quadruplicate and constitutes an obligation of Federal funding. By signing the four documents, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, two signed Award documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Award.

- ☐ Department of Commerce Financial Assistance Standard Terms and Conditions (Jan 2013)
- ☑ Special Award Conditions
- ☐ Line Item Budget
- ☐ 15 CFR Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations
- ☑ 15 CFR Part 24, Uniform Administrative Requirements for Grants and Agreements to State and Local Governments
- ☐ OMB Circular A-21, Cost Principles for Educational Institutions
- ☑ OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments
- ☑ OMB Circular A-122, Cost Principles for Nonprofit Organizations
- ☐ 48 CFR Part 31, Contract Cost Principles and Procedures
- ☑ OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations
- ☑ Other(s): EDA Standard Terms and Conditions for Constructin Programs (October 2007, as amended on December 13, 2007)

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER	TITLE	DATE
PRG	Pedro R. Garza, Regional Director	JUL 28 2014
TYPED NAME AND SIGNATURE OF AUTHORIZED Co-RECIPIENT OFFICIAL	TITLE	DATE
The Honorable Mark Bricker	Bay City Mayor	
TYPED NAME AND SIGNATURE OF AUTHORIZED Co-RECIPIENT OFFICIAL	TITLE	DATE
The Honorable Nate McDonald	Matagorda County Judge	
TYPED NAME AND SIGNATURE OF AUTHORIZED Co-RECIPIENT OFFICIAL	TITLE	DATE
Paul Frerich	District Engineer, TXDOT Yoakum District Office	

ADMINISTRATION ELECTRONIC FORM

Attachment: EDA_signed_BayCiityAward (1576 : EDA Grant award)

U.S. DEPARTMENT OF COMMERCE
Economic Development Administration (EDA)

SPECIAL AWARD CONDITIONS

CONSTRUCTION PROJECTS

Public Works and Economic Adjustment Assistance
under Sections 201 and 209 of PWEDA, as amended

Public Works and Economic Adjustment Assistance Programs

Project Title:
Title II, Section 201, Public Works Assistance

Recipient Names:
CITY OF BAY CITY, TEXAS
MATAGORDA COUNTY, TEXAS
TEXAS DEPARTMENT OF TRANSPORTATION

Project Number:
08-01-04955

The term "Recipient" means an entity receiving EDA Investment Assistance, including any EDA-approved successor to the entity. Both the Primary and Secondary Recipients are referred as the "Recipient" within this document.

1. This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the *Authorized Scope of Work*. All work on this project should be consistent with this *Authorized Scope of Work,* unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized by a fully executed Form CD-451.

The *Project Description and Authorized Scope of Work* for this project include:

Project Description: EDA funds will provide the necessary resources to complete the infrastructure to support the new Bay City Tenaris manufacturing facility. The improvement plan includes roadway and sewer improvements along TX Hwy 35 that will help with the ingress and egress of traffic into the plant.

Scope of Work: Construct street improvements and extend public wastewater service to Tenaris Bay City, Inc. The Wastewater-specific project activity will be the installation of approximately 18,000 LF of 10-inch sanitary sewer force main, and necessary sewer appurtenances. Street-specific project activity will include the construction of one 14-foot wide by 2, 500 LF asphalt concrete pavement (ACP) roadway on the south side of State Highway 35 at the proposed Tenaris Bay City pipe mill main entrance to serve as deceleration/acceleration and turn lane.

2. The Recipient Contact's name, title, address, and telephone number are:

Primary Recipient	*Secondary Recipient*	*Secondary Recipient*
City of Bay City, Texas 1901 Fifth Street Bay City, Texas 77414-6143	Matagorda County 1700 Seventh Street Bay City, TX 77414-5080	Texas Department of Transportation Yoakum District Office 403 Huck Street Yoakum, TX 77995
Authorized Representative The Honorable Mark Bricker Mayor (979) 245-2137 mayor@cityofbaycity.org	*Authorized Representative and Point of Contact* The Honorable Nate McDonald County Judge (979) 244-7605 cojudge@co.matagorda.tx.us	*Authorized Representative and Point of Contact* Mr. Paul Frerich, District Engineer (361) 293-4300 paul.frerich@txdot.gov
Point of Contact Ms. D.C. Dunham, Exec. Director Bay City CDC (979) 245-8081 dcdunham@cityofbaycity.org		

3. The Grants Officer is authorized to award, amend, suspend, and terminate financial assistance awards. The Grants Officer is:

Pedro R. Garza
Regional Director
Austin Regional Office
(512) 381-8144

U.S. Department of Commerce
Economic Development Administration
504 Lavaca Street, Suite 1100
Austin, Texas 78701-2858

4. The Federal Program Officer (Area Director) oversees the programmatic aspects of this Award. The Federal Program Officer is:

Jorge D. Ayala, Area Director
Austin Regional Office
P: (512) 381-8150
F: (512) 381-8178
Email: jayala@eda.gov

U.S. Department of Commerce
Economic Development Administration
504 Lavaca Street, Suite 1100
Austin, Texas 78701-2858

5. The EDA Project Officer is responsible for day-to-day administration and liaison with the Recipient and receives all reports and payment requests. The Project Officer is:

Jorge D. Ayala *(please refer to the contact information listed above in #4)*

6. **ADDITIONAL INCLUDED DOCUMENTS:**
In addition to the regulations, documents, or authorities incorporated by reference on the Financial Assistance Award form (Form CD-450) the following additional documents are included with and considered to be part of the Award's terms and conditions:

- A Recipient's final completed Application (this item not enclosed in this Award package);
- EDA Construction Standard Terms and Conditions;
- Any other Plans, schedules, or documents included in the original application, including subsequently submitted documentation, attached hereto, not already captured in other documents (if applicable, named in Attachment 1).

Should there be a discrepancy among these documents the Special Award Conditions (this document) and associated attachments hereto shall control.

7. **PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project development time schedule:

Return of Executed Financial Assistance Award.........30 calendar days after receipt of Form CD-450/CD-451
Start of Construction...24 Months from Date of Award
Construction Completed.......................... ....36 Months from Date of Award
Authorized Award End Date...............................60 Months from Date of Award
Submission of Final Financial Documents (SF-425) ...No later than 90 calendar days from Award End Date

Project Closeout – All Project closeout documents, including final financial reports (Form SF-425) and any required program reports, shall be submitted to EDA not more than 90 calendar days after the date the Recipient accepts the completed project from the contractor(s).

The Recipient shall diligently pursue the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify EDA in writing of any event that could substantially delay meeting any of the proscribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA's taking action to terminate the Award in accordance with the regulations set forth at 15 C.F.R. § 14.62 or 15 C.F.R. § 24.43, as applicable.

8. **ALLOWABLE COSTS AND AUTHORIZED BUDGET:** Total allowable costs will be determined at the conclusion of the award period in accordance with the administrative authorities applicable pursuant to the *Financial Assistance Award* (Form CD-450), including the applicable *Cost Principles* and *Uniform Administrative Requirements,* after Final Financial Documents are submitted.

Except as otherwise expressly provided for within these Special Award Conditions, the Investment Rate for the award (see 13 C.F.R. §§ 300.3 and 301.4) shall apply to allowable costs incurred by the Recipient in connection with the project. The Federal share in the allowable costs shall be based upon the Investment Rate (see 15 C.F.R. § 14.2(s)). In the event of an under run in total allowable costs for this project, the Federal share of allowable costs shall be determined by the Investment Rate established in the Form CD-450, or previously executed Form CD-451. The Federal share of total allowable costs shall not exceed the dollar amount of the original

Award and subsequent amendments, if any, absent a determination by the Assistant Secretary (see 13 C.F.R § 308.1).

Line Item Budget:

A. Under the terms of the Award, the total approved authorized budget is:

Federal Cash Contribution	$1,000,000	(40.00%)
Non-Federal Cash Contribution	$1,500,000	(60.00%)
Total Project Costs	$2,500,000	(100.00%)

B. Under the terms of this Award, the total approved line item budget is:

Line Items	Proposed	Approved
Administrative Expenses	$ 66,000.00	$66,000.00
Land, Structure, ROW	0.00	0.00
Relocation Expenses and Payments	0.00	0.00
Architectural & Engineering Fees	197,900.00	197,900.00
Other Architectural & Engineering Fees	20,000.00	20,000.00
Project Inspection Fees	0.00	20,000.00
Site Work	60,000.00	0.00
Demolition and Removal	4,750.00	0.00
Construction	2,042,257.00	2,376,100.00
Equipment	0.00	0.00
Miscellaneous	6,000.00	0.00
Contingencies	483,093.00	200,000.00
TOTAL PROJECT COSTS	**$2,880,000.00**	**$2,880,000.00**

Remarks:

- Added Project Inspection Fees line item for potential expenditures
- Moved Site Work to Construction line item
- Moved Demolition to Construction line item
- Adjusted Construction line item accordingly
- Moved Miscellaneous to Construction line item
- Reduced Contingencies to a more reasonable amount

10. **MATCHING SHARE**: The Recipient agrees to provide the Recipient's non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses. (See 13 C.F.R. § 300.3) The Recipient also certifies that, in accepting the

Financial Assistance Award, the Recipient's Matching Share of the project costs is committed and unencumbered, from authorized sources, and shall be available as needed for the project.

11. **REFUND CHECKS, INTEREST, OR UNUSED FUNDS:** Treasury has given EDA two options for having payments deposited to EDA's account:

i. The first one is Pay.Gov. This option allows the payee to pay EDA through the Internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.

ii. The second option is Paper Check conversion. All checks must identify on their face the name of the DOC agency funding the award, award number, and no more than a two-word description to identify the reason for the refund or check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA's Accounting Office, who processes EDA's accounting functions at the following address:

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Finance Office, AOD, EDA Grants
20020 Century Boulevard, Germantown, MD 20874

The accounting staff will scan the checks in to an encrypted file and transfer to the Federal Reserve Bank, where the funds will be deposited in EDA's account. While this process will not be an issue with most payees, there are occasionally issues for entities remitting funds to EDA via check. If you are remitting funds to EDA via check, please make note of the following:

- If a check is sent to EDA, it will be converted into an electronic funds transfer by copying the check and using the account information to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will appear on your regular account statement.

- EDA will not return your original check; the original will be destroyed and a copy will be maintained in our office. If the Electronic Funds Transfer (EFT) cannot be processed for technical reasons, the copy will be processed in place of the original check. If the EFT cannot be completed because of insufficient funds, EDA will charge you a one-time fee of $25.00, which will be collected by EFT.

12. **CONSTRUCTION COMPLETION:** In keeping with prudent grants management policy, EDA construction projects must be completed within five (5) years from the date the Form CD-450 is signed by the Recipient accepting the Award. If construction is not completed by this date and the Grants Officer determines, after consultation with the Grant Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously, the grant may be terminated. Extensions beyond the five year project period are exceedingly rare and can only be authorized by the Assistant Secretary. Nothing in this paragraph is intended to alter the Project Development Time Schedule set forth in provision 7 above.

13. **USEFUL LIFE:** The useful life of this project is hereby determined to be 20 years from the date of Award.

14. **GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth in 41 C.F.R. § 60-4 establishes goals and timetables for participation of minorities and women in the construction industry. These regulations apply to all federally assisted construction contracts in excess of $10,000. The Recipient shall comply with these regulations and shall obtain compliance with 41 C.F.R. § 60-4 from contractors and subcontractors employed in the completion of the Project by including such notices, clauses and provisions in the Solicitations for Offers or Bids as required by 41 C.F.R. § 60-4. The goal for the participation of women in each trade area shall be as follows: From April 1, 1981, until further notice: 6.9 percent.

    All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 C.F.R. § 60-4.6, or any successor regulations, shall hereafter be incorporated by reference into these Special Award Conditions.

    Goals for minority participation shall be as prescribed by Appendix B-80, Federal Register, Volume 45, No. 194, October 3, 1980, or subsequent publications. The Recipient shall include the "*Standard Federal Equal Employment Opportunity Construction Contract Specifications*" (or cause them to be included, if appropriate) in all Federally-assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6. The minority participation goal for this project is 27.4%.

15. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with Department of Commerce Regulations at 15 C.F.R § 24.36 (State and Local Governments) or 15 C.F.R. § 14.44 (Higher Education, Hospitals, other Non-Profits), as applicable.

16. **EVIDENCE OF GOOD TITLE:** In accordance with Section L of the U.S. Department of Commerce Standard Terms and Conditions, prior to the initial disbursement of funds by EDA, the Recipient shall provide opinion of counsel, satisfactory to the Government, that the Recipient has acquired good and marketable title to land, free of all encumbrances, as well as rights-of-way, and easements necessary for the completion of the project, or of a long-term leasehold interest in accordance with 13 C.F.R. § 314.

17. **NONRELOCATION:** In signing this award of financial assistance, the Recipient(s) attests that the EDA funded project will not be used to induce the relocation or the movement of existing jobs from one Region to another Region by a primary beneficiary of the Award. (See 13 C.F.R. § 300.3) In the event that EDA determines that its assistance was used for such relocation purposes, EDA reserves the right to pursue all rights and remedies, including suspension of disbursements and termination of the award for convenience or cause, and disallowance of any costs attributable, directly or indirectly, to the relocation and the recovery of the Federal share thereof.

    For purposes of ensuring that EDA assistance will not be used for relocation purposes, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project assisted by EDA. EDA considers an employer to be a "primary beneficiary" if, in seeking EDA assistance, the applicant estimates that such employer will create or save 100 or more permanent jobs as a result of the investment assistance and specifically names the employer in its application to EDA to make the Award. In smaller communities, EDA may consider a primary beneficiary to be an employer of 50 or more jobs permanent jobs so identified.

18. **PERFORMANCE MEASURES:** The Recipient agrees to report on program performance measures and program outcomes in such a form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993, and the Government Performance and Results Modernization Act of 2010.

At this time, all Awards for construction assistance require Recipients to report actual job creation/retention and private investment leverage three (3), six (6), and nine (9) years after an EDA investment. Recipients are to retain sufficient documentation so that they can submit these required reports. <u>Failure to submit this required report can adversely impact the ability of the Recipient to secure future funding from EDA.</u>

Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document. EDA staff will contact Recipients in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted. Recipients should ensure adequate and sufficient records are kept to support the methodology for computing initial job and private investment estimates and all subsequent actual performance data calculations so that this information can be made available to EDA in the event of an audits or performance site visits.

19. **GRANT ADMINISTRATION PLAN:** Within sixty (60) days of accepting the EDA Financial Assistance Award, the Recipient shall provide to the Regional Office a Grant Administration Plan which outlines how the Recipient will administer the EDA Award. The Plan must include the following information.

a. Names, addresses, phone and facsimile numbers and email addresses for all personnel responsible for all activities pertaining to the EDA Award. These activities include, but are not limited to, compliance with grant conditions, processing payment requests to EDA, engineering activities such as design, inspection, and legal services.

b. Project Financial Plan: EDA funds will not be disbursed until all special award terms and conditions to the EDA Award are satisfied. The plan must address how expenses will be paid prior to the disbursement of funds by EDA. The plan should explain who will be responsible for preparing payments requests to EDA.

c. The plan for procurement of engineering services that is in compliance with Federal grant regulations must be included in the Grant Administration Plan.

20. **HISTORICAL DISCOVERIES:** If during construction of the project, historical and archeological resources, including burial grounds and artifacts are discovered, the Recipient shall immediately stop construction in the area, contact the State Historic Preservation Officer and EDA and follow the SHPO's instruction for the preservation of resources.

21. **PROPERTY MANAGEMENT STANDARDS:** In affirming this award, the Recipient acknowledges its responsibility to assure that the real property acquired or improved by this Award is used only for the authorized and specific purpose of an industrial park in order to sell, lease, or otherwise convey parcels of the improved property to serve that purpose in accordance with 13 CFR, Part 314.

Since the authorized purpose of the project is to construct facilities to serve privately owned industrial or commercial parks or sites for sale or lease, such ownership, sale or lease is permitted so long as EDA requirements continue to be met. EDA requires evidence that the private party has title to the park or site prior to such sale and lease, and conditions the award of project assistance upon assurances by the private party relating to the sale or lease that EDA determines are necessary to assure consistency with the project purposes.

U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

STANDARD TERMS AND CONDITIONS FOR CONSTRUCTION PROJECTS

Title II
Public Works and Economic Development Facilities
and
Economic Adjustment Assistance Construction Components

March 12, 2013

TABLE OF CONTENTS

U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

STANDARD TERMS AND CONDITIONS
FOR CONSTRUCTION PROJECTS

Title II
Public Works and Economic Development Facilities
and
Economic Adjustment Assistance Construction Components

PREFACE

Terms and Conditions of the Award. This financial assistance award on Form CD-450 or any successor form (this "Award"), executed by the Economic Development Administration ("EDA") and the Recipient, and any properly executed amendment hereto, together with the EDA-approved project budget and scope of work, these construction standard terms and conditions, special award conditions, and all applicable federal statutory and regulatory requirements as incorporated by reference (e.g., all applicable statutes, regulations, Executive Orders, and Office of Management and Budget (OMB) Circulars), constitute the complete requirements, hereinafter referred to as the "Terms and Conditions," applicable to the EDA investment.

The Recipient and any subrecipient must, in addition to the assurances made as part of the application for investment assistance, comply with and require each of its contractors and subcontractors employed in the completion of the project to comply with the applicable Terms and Conditions of this Award.

This Award is subject to the laws and regulations of the United States. Any inconsistency or conflict in the Terms and Conditions specified in this Award will be resolved according to the following order of precedence: public laws, regulations (including applicable notices published in the *Federal Register*), Executive Orders, OMB Circulars, EDA's construction standard terms and conditions, and special award conditions. A special award condition may take precedence on a case-by-case basis over a construction standard term or condition when warranted by specific project circumstances.

Some of EDA's construction terms and conditions herein contain, by reference or substance, a summary of the pertinent statutes or regulations published in the *Federal Register* or the *Code of Federal Regulations* ("C.F.R."), Executive Orders, OMB Circulars, or the assurances required of the Recipient (*See* Forms SF-424B and SF-424D). To the extent that it is a summary, such provision is not in derogation of, or an amendment to, any such statute, regulation, Executive Order, OMB Circular, or assurance.

ECONOMIC DEVELOPMENT ADMINISTRATION
STANDARD TERMS AND CONDITIONS
FOR CONSTRUCTION PROJECTS

Title II - Public Works and Economic Development Facilities
and
Title II - Economic Adjustment Construction Components

A. General Requirements and Responsibilities.

1. Purpose.

The Economic Development Administration's ("EDA") grants for (i) public works (42 U.S.C. § 3141) and (ii) economic adjustment (42 U.S.C. § 3149) projects are designed to enhance regional competitiveness and promote long-term economic development in regions experiencing substantial economic distress. EDA provides construction, design, and engineering grants to assist distressed communities and regions revitalize, expand, and upgrade their physical infrastructure to attract new industry, encourage business expansion, diversify local economies, and generate or retain long-term private sector jobs and investment. The requirements set forth in these construction standard terms and conditions (the "Construction Standard Terms and Conditions") are applicable to construction, design, and engineering projects funded in whole or in part by EDA. Any necessary modifications of these requirements will be addressed in special award conditions to accommodate individual projects. In addition, these Construction Standard Terms and Conditions apply to construction projects of revolving loan funds ("RLFs") awarded between 1975 and 1999 under EDA's Title IX Economic Adjustment Assistance Program, as well as to RLFs funded after February 11, 1999 under section 209 of PWEDA (42 U.S.C. § 3149).

2. Authority and Policies.

EDA is a bureau within the U.S. Department of Commerce established under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121 *et seq.*) ("PWEDA"). (*See* 13 C.F.R. § 300.1.) As a Federal agency, EDA is obligated to promulgate regulations and establish policies and procedures to:

a. Ensure compliance with applicable federal requirements;
b. Safeguard the public's interest in the grant assets; and
c. Promote the effective use of grant funds in accomplishing the purpose(s) for which they were awarded.

The Department or EDA may issue changes from time to time to the regulations and other requirements and policies that apply to this Award. Such changes may upon occasion increase administrative or programmatic flexibility in administering this Award in a manner that is mutually beneficial to EDA and to the Recipient. The implementation of any such regulatory, administrative, or programmatic change in administering this Award must have prior EDA written approval.

EDA's policy is to administer all Awards uniformly; however, there may be special circumstances that warrant a variance. To accommodate these circumstances and to encourage innovative and creative ways to address economic development problems, EDA will consider requests for variances to the procedures set out in these Construction Standard Terms and Conditions if they do not conflict with applicable Federal statutory and regulatory requirements, are consistent with the goals of EDA's programs, and make sound economic and financial sense.

3. **Definitions.**

Whenever used in these Construction Standard Terms and Conditions, the following words and phrases shall have the following meanings:

a. "Assistant Secretary" refers to the Assistant Secretary of Commerce for Economic Development;
b. "Award" – see the definition set out in the first paragraph of the Preface above;
c. "Closeout" or "Project Closeout" refers to the process by which the Grants Officer determines that all applicable administrative actions and all required work under the Award has been completed by the Recipient and EDA;
d. "Department" or "DOC" refers to the U.S. Department of Commerce;
e. "Government" or "Federal Government" refers to EDA;
f. "Grants Officer" refers to the Regional Director in the appropriate Regional Office;
g. "Project Officer," refers to the EDA official responsible for technical or other programmatic aspects of the Award. During the post-approval stage of the Award, EDA generally assigns this role to an EDA Engineer/Construction Manager.
h. "Project" refers to the activity for which the EDA grant was awarded;
i. "Recipient" refers to the undersigned grantee of U.S. government funds under the Award to which this document is made a part;
j. "Regional Office" refers to an EDA Regional Office;
k. "Subrecipient" or "Subgrantee" refers to the legal entity to which a subaward is made and which is accountable to the Recipient for the use of grant funds (this term does not include subcontractors with whom the Recipient enters into a contractual agreement); and
l. "Terms and Conditions of the Award" – see the definition set out in the first paragraph of the Preface above.

Capitalized terms used but not otherwise defined in these Construction Standard Terms and Conditions have the meanings ascribed to them in EDA's regulations at 13 C.F.R. §§ 300.3, 302.20, 307.8, and 314.1.

4. **Grant Recipient as Trustee.**

The Recipient holds grant funds and any EDA-assisted Project property in trust for the purpose(s) for which the Award was made. The Recipient's obligation to the Federal Government continues for the estimated useful life of the Project, as determined by EDA, during which EDA retains an undivided equitable reversionary interest (the "Federal Interest") in the property improved, in whole or in part, with the EDA investment. *See* 13 C.F.R. § 314.2.

If EDA determines that the Recipient fails or has failed to meet this obligation, the agency may exercise any rights or remedies with respect to its Federal Interest in the Project. However, EDA's forbearance in exercising any right or remedy in connection with the Federal Interest does not constitute a waiver thereof.

The Recipient agrees to provide EDA with information and documentation necessary for the agency to conduct due diligence to ensure the business integrity and responsibility of the Recipient and key individuals associated with the Recipient in the management or administration of this Award.

5. **Reaffirmation of Application.**

Recipient(s) acknowledges that Recipient's application for this Award may have been submitted to the Government and signed by Recipient(s), or by an authorized representative of Recipient, electronically. Regardless of the means by which Recipient(s) submitted its application to the Government or whether Recipient or an authorized representative of Recipient submitted its application to the Government, Recipient(s) hereby reaffirms and state that:

a. All data in said application and documents submitted with the application are true and correct as of the date of this Award and were true and correct as of the date of said submission;
b. Said application was as of the date of this Award and as of the date of said application duly authorized as required by local law by the governing body of the Recipient(s) and
c. Recipient(s) confirms that it will comply with the Assurances and Certifications submitted with, or attached to, said application.

For purposes of this provision, the term "application" includes all documentation and any information provided to the Government as part of, and in furtherance to, the request for funding, including submissions made in response to information requested by the Government after submission of the initial application.

B. Financial Requirements.

1. **Financial Reports.**

a. While EDA generally does not advance funds under an Award, the Recipient must submit Form SF-272, "Report of Federal Cash Transactions," for any Award where funds are to be advanced to the Recipient. Form SF-272 is due 15 business days following the end of each quarter for an Award under $1 million, 15 business days following the end of each month for an Award totaling $1 million or more per year, or as otherwise specified in a special award condition. *See* 15 C.F.R. §§ 14.52(a)(2) or 24.41(c), as applicable.

b. Any Recipient whose Award has not been fully disbursed is required to submit Form SF-425, "Federal Financial Report" to EDA semi-annually to report on the status of unreimbursed obligations. This report will provide information on the amount of allowable Project expenses that have been incurred, but not claimed for reimbursement by the Recipient. The reports must be submitted in accordance with the schedule outlined in the applicable Special Award Conditions. If deadlines for the submission of reports are not documented in the Special Award Conditions, the SF-425 shall be semi-annually, with the first report period ending as of March 31 of each year and submitted to EDA no later than April 30 of each year, and the second report ending as of September 30 of each year submitted to EDA no later than October 30 of each year. Instructions for completing and submitting Form SF-425 will be discussed during the project kick-off meeting. Recipients may contact their applicable EDA Project Officer with questions on how to complete or submit the report, if necessary; however Recipients are still required to submit reports on time and are encouraged to pose such questions sufficiently prior to the deadline to allow for timely submission of required reports.

c. The Recipient must submit a final financial report using Form SF-425 within 90 calendar days of the expiration date of the Award.

d. Noncompliance with these requirements will result in the suspension of disbursements under this Award.

e. Financial reports are to be submitted to the Project Officer in electronic format, unless otherwise specified in the applicable special award conditions.

2. **Disbursement Requests.**

a. *Method of Payment.* The Grants Officer determines the appropriate method of payment. Unless otherwise specified in a special award condition, the method of payment under this Award will be reimbursement. Payments will be made through electronic funds transfers directly to the Recipient's bank account and in accordance with the requirements of the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3720B *et seq.*). The Award number shall be included on all payment-related correspondence, information, and forms.

b. *Disbursement Requests.* The Recipient shall use Form SF-271, "*Outlay Report and Request for Reimbursement for Construction Programs*," to request reimbursement under the Award. Substantiating invoices and/or vouchers also must be provided. Each request for the disbursement of funds shall be made to the Project Officer. Form SF-271 can be downloaded from OMB's website at www.whitehouse.gov/omb/grants/grants_forms.html.

c. *Initial Disbursement Request.* For the initial disbursement only, the Recipient must complete and submit Form SF-3881, "*ACH Vendor/Miscellaneous Payment Enrollment Form*," along with Form SF-271, to the applicable EDA Project Officer.

d. *Interim Disbursement Requests.* All requests for interim disbursement shall be submitted using Form SF-271 and include substantiating invoices and/or vouchers.

3. Federal and Non-Federal Cost Sharing.

a. For the purposes of this Award, the Federal share is the amount of EDA funds invested under the Award, while the non-federal share, or "Matching Share," means non-EDA funds and any in-kind contributions that are approved by EDA and provided by the Recipient or third parties as a condition of the Award. Awards that include the Federal and non-Federal share incorporate an estimated budget consisting of shared allowable costs. If actual allowable costs are less than the total approved estimated budget, the Federal share and Matching Share shall be calculated by applying the approved federal and non-federal cost share ratios to actual allowable costs. *See* 13 C.F.R. §§ 305.10 and 308.1. If actual allowable costs are greater than the total approved estimated budget, the federal share shall not exceed the total federal dollar amount authorized by this Award.

b. The Matching Share, whether cash or in-kind, shall be paid out at the same rate as the federal share. Exceptions to this requirement may be granted by the Grants Officer based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or in-kind contributions. In any case, the Recipient must meet its cost share commitment over the Award period.

c. The Recipient must create and maintain sufficient records justifying the required Matching Share to facilitate questions, audits, and other inquiries necessary to meet EDA's requirements to safeguard Federal funds, and must provide these records if requested by EDA, auditors, or other Federal parties. EDA may disallow undocumented costs. *See* section C.17 of these Construction Standard Terms and Conditions.

d. The Recipient shall show that the Matching Share is committed to the Project, available as needed, and not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 C.F.R. § 301.5.

4. Budget Revisions and Transfers of Funds Among Budget Categories.

The EDA-approved budget is the budget plan for the Project. The Recipient must notify EDA of any deviation from the budget or program plans, including any change in scope of work or the objective of the Project (even if there is no associated budget revision requiring prior written approval). *See* 15 C.F.R. §§ 14.25 or 24.30, as applicable.

a. Requests for budget revisions to the EDA-approved budget in accordance with the provisions provided below must be submitted through the Project Officer to the Grants Officer, who shall make the final determination on such requests and notify the Recipient in writing.

b. Amendments to this Award require preparation of Form CD-451, "*Amendment to Financial Assistance Award*," or any successor form, for execution by both the Grants Officer and the Recipient. Form CD-451 is required for the following:

(i) Changes to the Project scope of work;
(ii) Budget revisions requiring additional EDA or non-EDA funds;
(iii) Budget revisions that result in cumulative transfer among direct cost categories in excess of 10 percent of the project cost and the federal share is greater than $100,000;
(iv) The inclusion of costs for which EDA's prior approval is needed under the following OMB Circulars: Circular A-21, "*Cost Principles for Educational Institutions*" (2 C.F.R. part 220); Circular A-87, "*Cost Principles for State, Local, and Indian Tribal Governments*" (2 C.F.R. part 225); and Circular A-122, "*Cost Principles for Non-Profit Organizations*" (2 C.F.R. part 230), as applicable;
(v) Change of site location;
(vi) Change or addition of Recipient;
(vii) Time extensions; and
(viii) Modifications to the Terms and Conditions of the Award, other than time extensions.

c. When an Award supports both construction and non-construction work, the Recipient must obtain prior written approval from the Grants Officer before making any fund or budget transfer from non-construction to construction or vice versa. *See* 15 C.F.R. §§ 14.25(j) or 24.30(c)(3), as applicable.

d. Transfers shall not be permitted if such transfers would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended. This transfer authority does not authorize the Recipient to create new budget categories within an approved budget unless the Grants Officer has provided prior written approval. In addition, this does not prohibit the Recipient from requesting the Grants Officer's approval for revisions to the budget. *See* 15 C.F.R. §§ 14.25(e) and (f) or 24.30(c), as applicable.

e. The Recipient is not authorized at any time to transfer amounts budgeted for direct costs to the indirect costs line item or vice versa, without written prior approval of the Grants Officer.

f. *Project Underrun Amounts.* Underrun amounts shall be transferred to the contingencies line item. Contingency funds are to be used to address situations resulting from unknown conditions and changes required for the fulfillment of authorized activities under this Award. EDA may approve the use of underrun funds to increase the Federal share of the Project or further improve the Project, as long as the improvements are approved by EDA and consistent with the original purpose of the approved EDA investment. *See* 13 C.F.R. § 308.1.

g. *Additional EDA Funding in Case of Project Overrun Amounts.* In accepting the Award, the Recipient agrees to fund any overrun amounts. Additional EDA assistance for an approved Project may not be approved.

5. **Indirect Costs and Facilities and Administrative Costs.**

a. Indirect costs, or facilities and administrative (F&A) costs for educational institutions, are generally not applicable under this Award.

b. When indirect costs are applicable, they will not be allowable charges against the Award unless permitted under the award and specifically included as a line item in the award's approved budget.

c. Excess indirect costs may not be used to offset unallowable direct costs.

d. OMB established the cognizant agency concept, under which a single agency represents all others in dealing with Recipients in common areas. The cognizant agency reviews and approves Recipients' indirect cost rates. Approved rates must be accepted by other agencies, unless specific program regulations restrict the recovery of indirect costs. If indirect costs are permitted and the Recipient would like indirect costs in its budget, but the Recipient has not previously established an indirect cost rate with a Federal agency, the negotiation and approval of a rate is subject to the procedures in applicable cost principles and the following subparagraphs:

(i) State and Local Governments: Department of Health and Human Services (HHS) serves as the cognizant agency for all States and most cities. For certain State agencies, cities and counties, OMB published a list of cognizant Federal agency assignments on January 6, 1986 (51 F.R. 552). The cognizant agency for governmental units or agencies not specifically identified by OMB will be determined based on the Federal agency providing the largest amount of Federal funds. *See* Subsection D.1.b. of Appendix E to 2 C.F.R. part 225 (OMB Circular A-87);

(ii) Indian Tribes: Department of the Interior serves as the cognizant agency for all Indian tribal governments. *See* Subsection D.1.c. of Appendix E to 2 C.F.R. part 225 (OMB Circular A-87);

(iii) Educational Institutions: Department of Health and Human Services or the Department of Defense's Office of Naval Research serves as the cognizant agency for educational institutions as determined in accordance with Subsection G.11. of Appendix A to 2 C.F.R. part 220 (OMB Circular A-21);

(iv) Non-Profit Organizations: Cognizant agency is determined by calculating which Federal agency provides the largest dollar amount of awards to the non-profit organization in accordance with Subsection E.2. of Appendix A to 2 C.F.R. part 230 (OMB Circular A-122); and

(v) Hospitals: Department of Health and Human Services serves as the main cognizant agency for hospitals. *See* Appendix E to 45 C.F.R. part 74.

For those organizations for which DOC is cognizant or has oversight, DOC or its designee will either negotiate a fixed rate with carry-forward provisions for the Recipient or, in some instances, will limit its review to evaluating the procedures described in the recipient's cost allocation plan. Indirect cost rates and cost allocation methodology reviews are subject to future audits to determine actual indirect costs.

Within 90 business days of the Award start date, the Recipient shall submit to the address listed below documentation (indirect cost proposal, cost allocation plan, etc.) necessary to perform the review:

Office of Acquisition Management
U.S. Department of Commerce
14th Street and Constitution Avenue, N.W., Room # 6054
Washington, DC 20230

The Recipient shall provide the Project Officer with a copy of the transmittal letter.

The Recipient can use the fixed rate proposed in the indirect cost plan until such time as DOC provides a response to the submitted plan. Actual indirect costs must be calculated annually and adjustments made through the carry-forward provision used in calculating next year's rate. This calculation of actual indirect costs and the carry-forward provision is subject to audit. Indirect cost rate proposals must be submitted annually. An organization that has previously established indirect cost rates must submit a new indirect cost proposal to the cognizant agency within six months after the close of the Recipient's fiscal years.

e. When DOC is not the oversight or cognizant Federal agency, the Recipient shall provide the Project Officer with a copy of a negotiated rate agreement or a copy of the transmittal letter submitted to the cognizant or oversight federal agency requesting a negotiated rate agreement.

f. If the Recipient fails to submit the required documentation to DOC within 90 business days of the Award start date, the Grants Officer may amend the Award to preclude the recovery of any indirect costs under the Award. If the DOC, oversight, or cognizant Federal agency determines there good and sufficient cause to excuse the Recipient's delay in submitting the documentation, an extension of the 90-business day due date may be approved by the Grants Officer.

g. The maximum dollar amount of allocable indirect costs for which DOC will reimburse the Recipient shall be the lesser of:

(i) The line item amount for the Federal share of indirect costs contained in the approved budget of the Award; or

(ii) The Federal share of the total allocable indirect costs of the Award based on the indirect cost rate approved by a cognizant or oversight Federal agency and current at the time the cost was incurred, provided the rate is approved on or before the Award end date.

6. **Incurring Costs Prior to Award.**

Project activities carried out prior to EDA's approval of this Award shall be carried out at the sole risk of the Recipient. Such activity is subject to the rejection of the application, the disallowance of costs, or other adverse consequences as a result of noncompliance with EDA or federal law, including but not limited to procurement requirements, civil rights requirements, federal labor standards, or environmental and historic preservation requirements. The Grants Officer must authorize pre-award costs in writing and such costs must also be allowable under relevant Federal cost principles and the specific Award terms and included in the EDA-approved budget. Pre-award costs not included and approved in the authorized budget are not allowable and may not be reimbursed. *See* 13 C.F.R. § 302.8.

7. **Incurring Costs or Obligating Federal Funds Beyond the Project Expiration Date**.

a. The Recipient shall not incur costs or obligate funds for any purpose pertaining to the Project, program, or activities beyond the authorized project period documented in the Award agreement, unless a written time extension of this Award is granted by the Grants Officer. The only costs that are authorized for a period of up to 90 calendar days following that date are those strictly associated with Closeout activities. Closeout activities are generally limited to the preparation of final progress, financial, and required project audit reports unless otherwise approved in writing by the Grants Officer. The Grants Officer may approve extensions of the 90-calendar day Closeout period upon a request by the recipient as provided in 15 C.F.R. §§ 14.71 or 24.50.

b. The Recipient shall adhere to the development time schedule and time limits set out in the Terms and Conditions of this Award. Any such Term or Condition supersedes the development time schedule and time limits set out in these Construction Standard Terms and Conditions.

c. Neither DOC nor EDA have any obligation to provide any additional prospective funding. Any amendment of the award to increase funding and to extend the project period is at the sole discretion of DOC and/or EDA.

8. **Time Extensions**.

a. Unless otherwise authorized in 15 C.F.R. §§ 14.25(e)(2) or 24.30, as applicable, or a special award condition, any extension of the Project period can only be authorized by the Grants

Officer in writing. A verbal or written assurance of funding from other than the Grants Officer, including Regional Office staff other than the Grants Officer, does not constitute authority to obligate funds for programmatic activities beyond the expiration date.

b. The Recipient is responsible for implementing the Project in accordance with the development time schedule contained in this Award. As soon as the Recipient becomes aware that it will not be possible to meet the development time schedule, the Recipient must notify the Grants Officer. The Recipient's notice to EDA must contain the following:

(i) An explanation of the Recipient's inability to complete work by the specified date (e.g., a lengthy period of unusual weather delayed the contractor's ability to excavate the site, major re-engineering required in order to obtain State or federal approvals, unplanned environmental mitigation required);
(ii) A statement that no other changes to the Project are contemplated;
(iii) Documentation that demonstrates there is still a bona fide need for the Project; and
(iv) A statement that no further delay is anticipated and that the Project can be completed within the revised time schedule.

EDA reserves the right to withhold disbursements while the Recipient is not in compliance with the time schedule. EDA reserves the right to suspend or terminate this Award if the Recipient fails to proceed with reasonable diligence to accomplish the Project as intended.

9. **Tax Refunds**.

Refunds of Federal Insurance Contributions Act (FICA) or Federal Unemployment Tax Act (FUTA) taxes received by the Recipient during or after the Project period must be refunded or credited to DOC where the benefits were financed with federal funds under the Award. The Recipient agrees to contact the Grants Officer immediately upon receipt of these refunds. The Recipient further agrees to refund portions of FICA/FUTA taxes determined to belong to the Federal Government, including refunds received after the expiration of this Award.

10. Program Income.

For Projects that create long-term rental revenue (e.g., buildings or real property constructed or improved for the purpose of renting or leasing space), the Recipient agrees to use such income generated from the rental or lease of any Project facility in the following order of priority:

a. Administration, operation, maintenance, and repair of Project facilities for their estimated useful life (as determined by EDA) in a manner consistent with good property management practice and in accordance with established building codes. This includes, where applicable, repayment of indebtedness resulting from any EDA-approved encumbrance (e.g., approved mortgage) on the EDA-assisted facility.

b. Economic development activities that are authorized for support by EDA, provided such activities meet the economic development purposes of PWEDA.

See 15 C.F.R. §§ 14.24 or 24.25, as applicable.

C. Programmatic Requirements.

1. Project Progress and Performance Reporting.

a. Project progress reports must be submitted in accordance with the procedures set out in 15 C.F.R. parts 14 or 24, as applicable, and as indicated below. Failure to submit required reports in a timely manner may result in the withholding of payments under this Award; deferral of processing of new awards, amendments, or supplemental funding pending the receipt of the overdue report(s); or the establishment of an account receivable for the difference between the total federal share of outlays last reported and the amount disbursed. *See* 13 C.F.R. § 302.18(a).

b. Unless otherwise specified in this Award, the Project progress report will contain the following information for each Project program, function, or activity:

(i) A comparison of planned and actual accomplishments according to the timetable or list of Project objectives in this Award;
(ii) An explanation of any delays or failures to meet the Project timetable or Project goals; and
(iii) Any other pertinent information including, when appropriate, analysis, and explanation of cost overruns or high unit costs.

Project progress reports shall be submitted for each calendar quarter to the Project Officer. Each Project progress report must be submitted in accordance with the deadlines outlined in the applicable special award conditions, or, in cases where report deadlines are not contained therein, Project progress reports will be due on a quarterly basis not later than January 15, April 15, July 15, and October 15 for the immediate previous quarter. The final Project progress report shall be submitted to EDA no more than 90 calendar days after the Project Closeout date. This reporting requirement begins with the Recipient's acceptance of this Award and ends when EDA approves Project Closeout. *See* 15 C.F.R. §§ 14.51 or 24.40, as applicable.

The Recipient shall submit quarterly Project progress reports to the EDA Project Officer electronically unless otherwise specified in the special award conditions.

2. Interim Reporting.

The Recipient must report any event that will or may have significant impact upon the Project, including delays or adverse conditions that materially may affect the ability of the Recipient to attain Project objectives within established time periods or meet the development time schedule. The

Recipient should report such events to the Project Officer in the most time-expedient way possible and then, if the initial report was not in writing, report the event to the Project Officer in writing. Such a report shall include a statement of the event or issue, a statement of the course of action contemplated to resolve the matter, and any federal assistance needed to resolve the situation. If budget changes are required, the Recipient must submit a written budget revision request. *See* 15 C.F.R. §§ 14.25(h) or 24.30(c)(2), as applicable.

3. Government Performance and Results Act Reporting.

In addition to quarterly Project progress reports, EDA may require the Recipient to report on Project performance beyond the Project Closeout date for Government Performance and Results Act (GPRA) purposes. In no case shall the Recipient be required to submit any report more than ten years after the Project Closeout date. Data used by the Recipient in preparing reports shall be accurate and from independent sources whenever possible. *See* 13 C.F.R. § 302.16.

4. Unsatisfactory Performance.

Failure to perform the work in accordance with the Terms and Conditions of the Award and maintain at least satisfactory performance at the discretion of EDA may result in the designation of the Recipient as high-risk and assignment of special award conditions or further action as specified in section C.7. of these Construction Standard Terms and Conditions. *See* 15 C.F.R. §§ 14.14 or 24.12, as applicable.

5. Programmatic Changes.

a. The Recipient must report to the Project Officer and request prior approval for any programmatic change to the Award, in accordance with 15 C.F.R. §§ 14.25 or 24.30, as applicable. The Project Officer forwards requests for consideration by the Grants Officer, who must provide written approval for applicable programmatic changes.

b. Any changes made to the Project without EDA's approval are made at the Recipient's risk of nonpayment of costs, suspension, termination, or other EDA action with respect to the Award. *See* 13 C.F.R. § 302.7(b).

c. *Contract Change Orders.* After construction contracts for the Project have been executed, it may become necessary to alter them. This requires a formal contract change order that must be issued by the Recipient and accepted by the contractor. All contract change orders must be reviewed by EDA, even if EDA is not participating in the cost of the change order or the contract price is to be reduced. Work on the Project may continue pending EDA review and approval of the change order, but all such work shall be at the Recipient's risk as to whether the cost of the work is eligible for EDA participation until the Recipient receives EDA approval for the change order. *See* 13 C.F.R. § 305.13.

6. Other Federal Awards with Similar Programmatic Activities.

The Recipient shall immediately provide written notification to the Project Officer and the Grants Officer in the event that, subsequent to receipt of this Award, other financial assistance is received to support or fund any portion of the scope of work incorporated into this Award. EDA will not pay for costs that are funded by other sources.

7. Noncompliance with Award Provisions.

Failure to comply with any or all of the Terms and Conditions of this Award may have a negative impact on the Recipient's ability to receive future funding from the Department, including EDA, and may be considered grounds for any or all of the following actions: (a) the establishment of an account receivable; (b) withholding payments under any EDA or DOC Award(s) to the Recipient; (c) the imposition of additional special award conditions; (d) the suspension of any active DOC Awards; or (e) the termination of any active DOC Awards.

The Recipient hereby agrees that the Government may at its option withhold disbursement of any Award funds if the Government learns or has knowledge that the Recipient has failed to comply in any manner with any Term or Condition of the Award. *See* 13 C.F.R. § 302.18. The Government may withhold funds until the violation or violations have been corrected to the Government's satisfaction. The Recipient further agrees to reimburse the Government for any ineligible costs paid from Award funds, or if the Recipient fails to reimburse the Government, the Government shall have the right to offset the amount of such ineligible costs from any undisbursed award funds held by the Government. The Recipient agrees to repay the Government for all ineligible costs incurred in connection with the Project and paid from the Award including but not limited to those costs determined to be ineligible if the Government learns of any Award violations after all Award funds have been disbursed. *See* 15 C.F.R. §§ 14.72-14.73 or 24.51-24.52, as applicable.

8. Use by Beneficiary.

In the event a beneficiary of the Project fails to comply in any manner with certifications, assurances, or agreements that such beneficiary has entered into in accordance with EDA's requirements, the Recipient will reimburse the Government the Award amount or an amount to be determined by the Government pursuant to 13 C.F.R. §§ 314.4 and 314.5. Where the Government determines that the failure of a beneficiary to comply with EDA requirements affects a portion of the property benefited by the Award, the Recipient will reimburse the Government proportionately.

9. Prohibition Against Assignment by the Recipient.

The Recipient shall not transfer, pledge, mortgage, or otherwise assign the award, or any interest therein, or any claim arising thereunder, to any party or parties, banks, trust companies, or other financing or financial institutions without the express written approval of the Grants Officer, which may be provided in a special award condition.

10. Disclaimer Provisions; Hold Harmless Requirement.

a. The United States expressly disclaims any and all responsibility or liability to the Recipient or third persons for the actions of the Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this Award or any subaward or subcontract under this Award.

b. The acceptance of this Award by the Recipient does not in any way constitute an agency relationship between the United States and the Recipient.

c. To the extent permitted by law, the Recipient agrees to indemnify and hold the Government harmless from and against all liabilities that the Government may incur as a result of providing an Award to assist, directly or indirectly, in the preparation of the Project site or construction, renovation, or repair of any facility on the Project site, to the extent that such liabilities are incurred because of toxic or hazardous contamination or groundwater, surface water, soil, or other conditions caused by operations of the Recipient or any of its predecessors (other than the Government or its agents) on the property. *See* 13 C.F.R. § 302.19.

11. Prohibition on Use of Third Parties to Secure Award.

Unless otherwise specified in the special award conditions to this Award, the Recipient warrants that no person or selling agency has been employed or retained to solicit or secure this Award upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by the Recipient for the purpose of securing business. For breach or violation of this warrant, the Government has the right to annul this Award without liability, or at its discretion, to deduct from the Award sum, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

12. Payment of Attorneys' or Consultants' Fees.

No Award funds shall be used, directly or indirectly, to reimburse attorneys' or consultants' fees incurred in connection with obtaining investment assistance under PWEDA, such as, for example, preparing the application for EDA investment assistance. However, ordinary and reasonable attorneys' and consultants' fees incurred for meeting Award requirements, such as, for example, conducting a title search or preparing plans and specifications, may be eligible Project costs and may be paid out of Award funds, provided such costs are otherwise eligible. *See* 13 C.F.R. § 302.10.

13. Recipient's Duty to Refrain from Employing Certain Government Employees.

Pursuant to section 606(2) of PWEDA (42 U.S.C. § 3216), for the two-year period beginning on the date the Government executes this Award, the Recipient(s) agrees that it will not employ, offer any office or employment to, or retain for professional services any person who:

a. On the date the Government executes this Award or within the one-year period ending on that date, served as an officer, attorney, agent, or employee of the Government, and

b. Occupied a position or engaged in activities that the Assistant Secretary determines involved discretion with respect to the award of Investment Assistance under PWEDA.

The two-year period and associated restrictions referenced above also shall apply beginning on the date the Government executes any cost amendment to this Award that provides additional funds to the Recipient(s).

14. Commencement of Construction.

a. Delayed Construction Starts. If significant construction (as determined by EDA) is not commenced within two years of the Award date or by the date estimated for start of construction in this Award (or the expiration of any extension granted in writing by EDA), whichever is later, this Award will be automatically suspended and may be terminated if EDA determines, after consultation with the Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously. If significant construction has not been commenced within three years of the Award date, an extension must be approved by the Assistant Secretary.

b. Early Construction Starts. The Recipient shall make a written request to EDA for early construction start permission (that is, after the date of Award, but before EDA gives formal approval for construction to commence). For Project costs to be eligible for EDA reimbursement, EDA must determine that the award of all contracts necessary for design and construction of the Project facilities is in compliance with the Terms and Conditions of this Award. If construction commences prior to EDA's determination, the Recipient proceeds at its own risk until EDA's review and concurrence. *See* 13 C.F.R. § 305.11.

c. *Project Sign*. The Recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign (or signs) in a conspicuous place at the Project site indicating that the Federal Government is participating in the Project. EDA will provide specifications for the sign and may require more than one sign if site conditions so warrant. If the EDA-recommended sign specifications conflict with State or local law, the Recipient may modify such recommended specifications so as to comply with State or local law. *See* 13 C.F.R. § 305.12.

15. Efficient Administration of Project.

The Recipient agrees to properly and efficiently administer, operate, and maintain the Project for its estimated useful life, as required by section 504 of PWEDA (42 U.S.C. § 3194). If the Government determines, at any time during the estimated useful life of the facility, that the Project is not being properly and efficiently administered, operated, and maintained, the Government may terminate this Award and require the Recipient to repay the Federal Share. *See* 13 C.F.R. §§ 302.12, 302.18, and 314.2-314.5.

16. Conflicts-of-Interest Rules.

a. An "Interested Party" is defined in 13 C.F.R. § 300.3 as "any officer, employee, or member of the board of directors or other governing board of the Recipient, including any other parties that advise, approve, recommend, or otherwise participate in the business decisions of the Recipient, such as agents, advisors, consultants, attorneys, accountants, or shareholders." An Interested Party includes the Interested Party's "Immediate Family" (defined in 13 C.F.R. § 300.3 as a person's spouse, parents, grandparents, siblings, children, and grandchildren, but does not include distant relatives, such as cousins, unless the distant relative lives in the same household as the person) and other persons directly connected to the Interested Party by law or through a business organization. In addition, "Immediate Family" includes an Interested Party's "significant other" or partner.

b. The Recipient must establish safeguards to prohibit an Interested Party from using its position for a purpose that constitutes or presents the appearance of personal or organizational conflicts-of-interest or of personal gain. See 13 C.F.R. § 302.17(a) and (b), 15 C.F.R. §§ 14.42 or 24.36(b)(3), as applicable, and Forms SF-424B ("Assurances – Non-Construction Projects") and SF-424D ("Assurances – Construction Projects").

c. An Interested Party must not receive any direct or indirect financial or personal interests or benefits in connection with this Award or its use for payment or reimbursement of costs by or to the Recipient. A financial interest or benefit may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward. An appearance of impairment of objectivity could result from an organizational conflict where, because of other activities or relationships with other persons or entities, a person is unable or potentially unable to render impartial assistance or advice. It also could result from non-financial gain to the individual, such as benefit to reputation or prestige in a professional field. *See* 13 C.F.R. § 302.17(b).

17. Record-Keeping Requirements.

a. *Records.* The Recipient must maintain records that document compliance with the Terms and Conditions of this Award. At a minimum, the Recipient's records must fully disclose:

(i) The amount and disposition of EDA investment assistance;
(ii) All Project expenditures and procurement actions;
(iii) The total cost of the Project that the Award funds;
(iv) Copies of all reports and disbursement requests submitted to EDA;
(v) The benefits/impacts of the project, as reported through GPRA and other reports to EDA;
(vi) The amount and nature of the portion of Project costs provided by non- EDA sources;
(vii) Contractor compliance with applicable federal requirements; and
(viii) Such other records as EDA determines will facilitate an effective audit.

b. *Records Retention*.

In general, all records pertinent to this Award must be kept retained for a period of three years from the date of submission of the final project expenditure report (the final Form SF-271 for disbursement). The only exceptions are the following:

(i) If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved and final actions taken;
(ii) Records for real property and equipment acquired with federal funds must be retained for three years after final disposition of the relevant real property or equipment; and
(iii) When records are transferred or maintained by EDA, the three-year retention requirement is not applicable to the Recipient.

Records relating to indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations on the rate at which a particular group of costs is chargeable are subject to different retention requirements. *See* 15 C.F.R. §§ 14.53 or 24.42, as applicable.

The Recipient is responsible for monitoring any subrecipients and contractors to ensure their compliance with the records retention requirements. The Recipient must immediately notify the Project Officer in case records are not retained for the general retention periods noted above. *See* 13 C.F.R. § 302.14 and 15 C.F.R. §§ 14.50-14.53 or §§ 24.40-24.42, as applicable.

18. Termination Actions.

a. Termination for Cause. If the Recipient materially fails to comply with any of the Terms and Conditions of this Award, EDA has the right to terminate for cause all or any part of its obligation hereunder, including if:

(i) Any representation made by the Recipient to the Government in connection with the application for Government assistance is incorrect or incomplete in any material respect;
(ii) The intent and purpose and/or the economic feasibility of the Project is changed substantially so as to affect significantly the accomplishment of the Project as intended (including an unauthorized use of property as provided in 13 C.F.R § 314.4);
(iii) The Recipient has violated commitments it made in its application and supporting documents or has violated any of the Terms and Conditions of this Award;
(iv) The conflicts-of-interest rules in 13 C.F.R. § 302.17 are violated; or
(v) The Recipient fails to report immediately to the Government any change of authorized representative(s) acting in lieu of or on behalf of the Recipient.

In addition, EDA may take one or more of the actions set out in 15 C.F.R. §§ 14.62(a) or 24.43(a), as applicable.

b. Termination for Convenience. The Recipient may request at any time termination for convenience of this Award upon sending to the Grants Officer written notification in a form acceptable to EDA setting forth the reasons for requesting the termination and the effective date of such termination. *See* 15 C.F.R. §§ 14.61 or 24.44, as applicable.

19. Project Closeout Procedures.

As noted above in section C.15, after construction is completed and the Project is closed out financially, the Recipient has an ongoing responsibility to properly administer, operate, and maintain the Project for its estimated useful life (as determined by EDA) in accordance with its original purpose. *See* 13 C.F.R. § 302.12. The Recipient must comply with all Award requirements and maintain records to document such compliance, which shall be made available for inspection by EDA or other Government officials as required.

a. *Final Disbursement*. When Project construction and final inspection have been completed, or substantially completed as determined by EDA, and the Recipient has accepted the Project from the contractor, the Recipient can begin the Closeout process by submitting the following documentation to EDA:

(i) A request for final disbursement on an executed Form SF-271;
(ii) A written certification that all costs claimed are for eligible activities under this Award, for which there is documentation in the Recipient's records;
(iii) An executed certificate of final acceptance signed by the Recipient and the Recipient's architect/engineer;
(iv) The Recipient's certification that its currently valid single or program-specific audit in accordance with OMB Circular A-133, "*Audits of States, Local Governments, and Non-Profit Organizations,*" if applicable, does not contain

any material findings (if the Recipient's currently valid OMB Circular A-133 audit does contain material findings, the Recipient shall submit the applicable audit preferably via e-mail to the Project Officer, who will review with the Grants Officer);

(v) The Recipient's certification that its currently valid audit (in accordance with OMB Circular A-133), if applicable, has been submitted to the Federal Audit Clearinghouse; and

(vi) Other documentation as may be required by EDA.

EDA shall advise the Recipient of costs determined to be eligible and ineligible. If a balance of this Award is due to the Recipient, the balance will be paid by wire transfer. If the Recipient has received an amount in excess of the amount due the Recipient, the Recipient must refund the excess to EDA. The Recipient shall contact the Project Officer for refund instructions.

As noted above, if the Recipient's currently valid OMB Circular A-133 audit contains material findings, the Recipient shall submit the audit, preferably via e-mail, to the Project Officer, who will review with the Grants Officer before final disbursement. If e-mail is unavailable, the Recipient may submit a hardcopy version of the audit to the relevant Project Officer.

b. The Recipient shall submit, within 90 calendar days after the Project Closeout date, all financial, performance, and other reports as required by the Terms and Conditions of this Award.

c. As required under GPRA and in accordance to a schedule that will be provided by EDA, the Recipient must submit additional Performance Measurement Reports, generally three, six, and nine years after the date of the Award to accurately and completely report the impacts of the Project, especially in terms of job creation and private investment leveraging.

c. Unless EDA authorizes an extension, the Recipient shall liquidate all obligations incurred under this Award no later than 90 calendar days after acceptance of the Project from the contractor or before the expiration date of this Award, whichever occurs earlier.

d. The Closeout of this Award does not affect any of the following:

(i) Audit requirements per OMB Circular A-133 and the related "Compliance Supplement;"

(ii) The right of EDA to disallow costs and recover funds on the basis of a later audit or other Project review;

(iii) The Recipient's obligation to return any funds due as a result of later corrections or other transactions; and

(iv) Requirements for property management, records retention, and performance measurement reports.

20. Freedom of Information Act.

EDA is responsible for meeting its Freedom of Information Act (FOIA) (5 U.S.C. § 522) responsibilities for its records. DOC regulations at 15 C.F.R. part 4 set forth the requirements and procedures that EDA must follow in order to make the requested material, information, and records publicly available. Unless prohibited by law and to the extent required under the FOIA, contents of applications and other information submitted by applicants and Recipients may be released in response to a FOIA request. The Recipient should be aware that EDA may make certain application and other submitted information publicly available. Accordingly, the Recipient should identify in its application any information it believes to be confidential.

D. Additional Requirements Relating to Construction Projects.

The Recipient and any subrecipient(s) must, in addition to other statutory and regulatory requirements detailed in these Construction Standard Terms and Conditions and the assurances made to EDA in connection with the Award, comply and require each of its contractors and subcontractors employed in the completion of the Project to comply with all applicable Federal, State, territorial, and local laws, and in particular, the following federal public laws (and the regulations issued thereunder), Executive Orders, OMB Circulars, and local law requirements.

1. **The Davis-Bacon Act, as amended (40 U.S.C. §§ 3141-3144, 3146, 3147; 42 U.S.C. § 3212)**
Requiring minimum wages for mechanics and laborers employed on Federal Government public works projects to be based on the wages the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the Project is to be performed, or in the District of Columbia if the Project is to be performed there.

2. **The Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. §§ 3701 – 3708)**
Providing work hour standards for every laborer and mechanic employed by any contractor or subcontractor in the performance of a federal public works project.

3. **The National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470 et seq.), and the Advisory Council on Historic Preservation Guidelines**
Requiring projects involving Federal funds to follow the requirements of the National Historic Preservation Act, which requires stewardship of historic properties.

4. **The Historical and Archeological Data Preservation Act of 1974, as amended (16 U.S.C. § 469a-1 et seq.)**
Requiring appropriate surveys and preservation efforts if a Federally-licensed project may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data.

5. **Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151 et seq.),**
and the regulations issued thereunder, which prescribe standards for the design and construction of any building or facility intended to be accessible to the public or that may house handicapped employees.

6. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 4601 et seq.),**
and implementing regulations issued at 49 C.F.R. part 24, which establish uniform policies for the fair and equitable treatment of persons, businesses, or farm operations affected by the acquisition, rehabilitation, or demolition of real property acquired for a Project financed wholly or in part with Federal financial assistance.

7. **The Energy Conservation and Production Act (42 U.S.C. § 6834 et seq.)**
Establishing energy efficiency performance standards for the construction of new residential and commercial structures undertaken with Federal financial assistance.

8. **Requirements for New Construction.**
For new building construction projects, the Recipient will comply with current local building codes, standards, and other requirements applicable to the Project.

E. Non-Discrimination Requirements.

No person in the United States shall, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. The Recipient agrees to comply with the non-discrimination requirements below:

1. **Statutory Provisions.**

   a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) and DOC implementing regulations published at 15 C.F.R. part 8, which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;

   b. Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), which prohibits discrimination on the basis of sex under federally assisted education programs or activities;

   c. Pub. L. No. 92-65, 42 U.S.C. § 3123, which proscribes discrimination on the basis of sex in EDA assistance provided under PWEDA; Pub. L. No. 94-369, 42 U.S.C. § 6709, which proscribes discrimination on the basis of sex under the Local Public Works Program; and the Department's implementing regulations at 15 C.F.R. §§ 8.7-8.15;

d. The Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) (ADA), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by State and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;

e. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. part 8b, which prohibit discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance:

f. Revised ADA Standards for Accessible Design for Construction Awards: The U.S. Department of Justice has issued revised regulations implementing Title II of the ADA (28 C.F.R. part 35; 75 F.R. 56164, as amended by 76 F.R. 13285) and Title III of the ADA (28 C.F.R. part 36; 75 F.R. 56164, as amended by 76 F.R. 13286). The revised regulations adopted new enforceable accessibility standards called the "2010 ADA Standards for Accessible Design" (2010 Standards). The 2010 Standards are an acceptable alternative to the Uniform Federal Accessibility Standards (UFAS). DOC deems compliance with the 2010 Standards to be an acceptable means of complying with the Section 504 accessibility requirements for new construction and alteration projects under 15 C.F.R. § 8b.18(c), as follows:

(i) Public Recipients subject to Title II of the ADA may use either the 2010 Standards or UFAS where the physical construction or alternations commence on or after September 15, 2010 and before March 15, 2012 (see 28 C.F.R. § 35.151(c)(2)); and

(ii) Private Recipients subject to Title III of the ADA may use either the 2010 Standards or UFAS if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is on or after September 15, 2010 and before March 15, 2012, or if no permit is required, if the start of physical construction or alterations occurs on or after September 15, 2010 and before March 15, 2012 (see 28 C.F.R. § 36.406(a)(2)).

In all cases, once a Recipient selects an applicable ADA accessibility standard (i.e., the 2010 Standards or UFAS), that standard must be applied to the entire facility.

As of March 15, 2012, all new construction and alteration projects must comply with the 2010 Standards.

g. The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.) and DOC implementing regulations published at 15 C.F.R. part 20, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and

h. Other applicable Federal statutes, regulations, and Executive Orders, and other applicable non-discrimination law(s).

2. Other Provisions.

a. Parts II and III of Executive Order 11246 (30 Fed. Reg. 12319, 1965), as amended by Executive Order 11375 (32 Fed. Reg. 14303, 1967) and 12086 (43 Fed. Reg. 46501, 1978), requiring Federally-assisted construction contracts to include the nondiscrimination provisions of §§ 202 and 203 of that Executive Order and Department of Labor regulations implementing Executive Order. 11246 (41 C.F.R. § 60-1.4(b), 1991).

b. Executive Order 13166 (August 11, 2000), "*Improving Access to Services for Persons With Limited English Proficiency*," requiring Federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them, and DOC policy guidance issued on March 24, 2003 (68 F.R. 14180) to Federal financial assistance recipients on the Title VI prohibition against national origin discrimination affecting LEP persons.

3. Title VII Exemption for Religious Organizations.

Generally, Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq*.), provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

F. Audits.

Under the Inspector General Act of 1978, as amended (5 U.S.C. App. 3, § 1 *et seq*.), an audit of the Award may be conducted at any time. The Department's Inspector General ("OIG"), or any of his or her duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the Recipient, whether written, printed, recorded, produced, or reproduced by any electronic, mechanical, magnetic, or other process or medium, in order to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law. When the OIG requires a program audit on a DOC Award, the OIG will usually make the arrangements to audit the Award, whether the audit is performed by OIG personnel, an independent accountant under contract with DOC, or any other Federal, State, or local audit entity.

1. Requirement to Have an OMB Circular A-133 Audit Performed; Organization-Wide, Program-Specific, and Project Audits.

a. Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," and the related "Compliance Supplement." Recipients that expend Federal awards of $500,000 or more in a fiscal year shall have an audit conducted for that year in accordance with the requirements contained in OMB Circular A-133. A copy of the audit shall be submitted to the Bureau of the Census, which has been designated by OMB as a central clearinghouse, by electronic submission to the Federal Audit Clearinghouse website, which may be accessed at: http://harvester.census.gov/sac/. Please visit the website's "Frequently Asked Questions" for more information on submitting audit materials.

If it is necessary for a Recipient to submit using paper, the address for submission is:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

b. Unless otherwise specified in the terms and conditions of the award, in accordance with 15 C.F.R. § 14.26(c) and (d), for-profit hospitals, commercial entities, and other organizations not required to follow the audit provisions of OMB Circular A-133 shall have an audit performed when the Federal share amount awarded is $500,000 or more over the duration of the project period. Unless otherwise specified in the terms and conditions of the award, an audit is required at least once every two years using the following schedule for audit report submission:

(i) For awards where the project period is less than two years, an audit is required within 90 business days of the end of the project period – the award close-out period is included in the 90 business days;

(ii) For awards with a two- or three-year project period, an audit is required within 90 days after the end of the first year, which is the period of time when Federal funding is available for obligation by the recipient, and within 90 business days of the end of the project period – the award close-out is included in the 90 business days; or

(iii) For awards with a four- to five-year project period, an audit is required within 90 business days after the end of the first year and third year, and within 90 business days of the end of the project period – the award close-out period is included in the 90 business days.

Some DOC programs have specific audit guidelines that will be incorporated into the Award. When DOC does not have a program-specific audit guide available for the program, the auditor will follow the requirements for a program-specific audit as described in OMB Circular A-133, § .235. The Recipient may include a line item in the budget for the cost of the audit for approval. A copy of the program-specific audit shall be submitted to the Grants Officer as specified in the Award Terms and Conditions, and to the OIG at NonFederalAudits@OIG.DOC.GOV. If e-mail is unavailable, submission to the OIG can be made at the following address:

Office of Inspector General
U.S. Department of Commerce
Atlanta Regional Office of Audits
401 West Peachtree Street, N.W., Suite 2742
Atlanta, GA 30308

2. **Requirement to Submit Audit to EDA.**
If the Recipient's currently valid audit required under OMB Circular A-133 contains materials findings, the Recipient must submit the audit, preferably via e-mail, to the Project Officer, who will review with the Grants Officer. If e-mail is unavailable, the Recipient may submit a hardcopy version of the audit to the relevant Project Officer. *See also* section C.18.a. of these Construction Standard Terms and Conditions.

3. **Audit Resolution Process**.

a. An audit of the Award may result in the disallowance of costs incurred by the Recipient and the establishment of a debt (account receivable) due to EDA. For this reason, the Recipient should take seriously its responsibility to respond to all audit findings and recommendations with adequate explanations and supporting evidence whenever audit results are disputed.

b. In accordance with the *Federal Register* notice dated January 27, 1989 (54 Fed. Reg. 4053), a Recipient whose Award is audited has the following opportunities to dispute the proposed disallowance of costs and the establishment of a debt:

(i) Unless the OIG determines otherwise, the Recipient has 30 business days from the date of the transmittal of the "Draft Audit Report" to submit written comments and documentary evidence.

(ii) The Recipient has 30 business days from the date of the transmittal of the "Final Audit Report" to submit written comments and documentary evidence. There shall be no extension of this deadline.

(iii) EDA shall review the documentary evidence submitted by the Recipient and shall notify the Recipient of the results in an "Audit Resolution Determination

Letter." The Recipient has 30 business days from the date of receipt of the Audit Resolution Determination Letter to submit a written appeal. There shall be no extension of this deadline. The appeal is the last opportunity for the Recipient to submit written comments and documentary evidence that dispute the validity of the Audit Resolution Determination Letter.

(iv) An appeal of the Audit Resolution Determination Letter does not prevent the establishment of the audit-related debt nor does it prevent the accrual of interest on such debt. If the Audit Resolution Determination Letter is overruled or modified on appeal, appropriate corrective action will be taken retroactively. An appeal will stay the offset of funds owed by the auditee against funds due to the auditee.

(v) The DOC shall review the Recipient's appeal and notify the Recipient of the results in an Appeal Determination Letter. After the opportunity to appeal has expired or after the appeal determination has been rendered, DOC will not accept any further documentary evidence from the recipient. No other administrative appeals are available in DOC.

G. Debts.

1. Payment of Debts Owed the Federal Government.

Any debt determined to be owed to the Federal Government must be paid promptly by the Recipient. In accordance with 15 C.F.R. § 19.1, delinquent debt is a debt that has not been paid by the date specified in the agency's initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made. In accordance with 15 C.F.R. § 19.5 and 31 U.S.C. § 3717, failure to pay a debt by the due date, or if there is no due date, within 30 calendar days of the billing date, shall result in the assessment of interest, penalties and administrative costs in accordance with the provisions of 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. DOC entities will transfer any DOC debt that is more than 180 calendar days delinquent to the Financial Management Service for debt collection services, a process known as "cross-servicing," pursuant 31 U.S.C. § 3711(g), 31 C.F.R. § 285.12 and 15 C.F.R. § 19.9, and may result in DOC taking further action as specified in the standard term and condition entitled "Noncompliance With Award Provisions." Funds for payment of a debt must not come from other Federally sponsored programs. Verification that other Federal funds have not been used will be made, e.g., during on-site visits and audits.

2. Late Payment Charges.

a. Interest shall be charged on the delinquent debt in accordance with section 3717(a) of the Debt Collection Act (see 31 U.S.C. § 3701 *et seq*. for the entire Debt Collection Act), as amended. The minimum annual interest rate to be assessed is the Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available online at http://www.fms.treas.gov/cvfr/index.html. The CVFR is published by the Department of the

Treasury in the Federal Register (http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR) and in the Treasury Financial Manual Bulletin. The assessed rate shall remain fixed for the duration of the indebtedness.

b. Penalties shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law.

c. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by the DOC entity collecting the debt, as directed by the Office of the Deputy Chief Financial Officer.

3. Barring Delinquent Federal Debtors from Obtaining Federal Loans or Loan Insurance Guarantees.

Pursuant to 31 U.S.C. § 3720B and 31 C.F.R. § 901.6 , unless waived, the Department is not permitted to extend financial assistance in the form of a loan, loan guaranty, or loan insurance to any person delinquent on a non-tax debt owed to a federal agency. This prohibition does not apply to disaster loans.

4. Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs.

Pursuant to 28 U.S.C. § 3201(e), unless waived by DOC, a debtor who has a judgment lien against the debtor's property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the U.S. or to receive funds directly from the Federal Government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

H. Governmentwide Debarment and Suspension (Non-procurement).

The Recipient shall comply with the provisions of subpart C of 2 C.F.R. part 1326, "*Non-Procurement Debarment and Suspension*" (published in the *Federal Register* on December 21, 2006, 71 FR 76573), which generally prohibit entities that have been debarred, suspended, or voluntarily excluded from participating in Federal non-procurement transactions either through primary or lower-tier covered transactions, and which set forth the responsibilities of recipients of Federal financial assistance regarding transactions with other persons, including subrecipients and contractors.

I. Drug-free Workplace.

The Recipient shall comply with the provisions of the Drug-Free Workplace Act of 1988 (Pub. L. No. 100-690, Title V, Sec. 5153, as amended by Pub. L. No. 105-85, Div. A., Title VIII, Sec. 809, as codified at 41 U.S.C. § 8102), and the Department's implementing regulations found at 15 C.F.R.

part 29, "*Government-wide Requirements for Drug-Free Workplace (Financial Assistance,)*" which require that the Recipient take steps to provide a drug-free workplace.

J. Lobbying Restrictions.

a. *Statutory Provisions.* The Recipient must comply with the provisions of 31 U.S.C. § 1352 and the Department's implementing regulations published at 15 C.F.R. part 28, "*New Restrictions on Lobbying*." These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the United States government in connection with the Award and require the disclosure of the use of non-Federal funds for lobbying.

b. *Disclosure of Lobbying Activities.* A Recipient receiving in excess of $100,000 in federal funding must submit a completed Form SF-LLL, "*Disclosure of Lobbying Activities*," regarding the use of non-Federal funds for lobbying. The Form SF-LLL must be submitted within 30 calendar days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Recipient must submit Form SF-LLL from all applicable parties, including those received from subrecipients, contractors, and subcontractors, to the Project Officer.

c. *Special Provisions Relating to Indian Tribes.* As set out in 31 U.S.C. § 1352, there are special provisions applicable to Indian Tribes, tribal organizations, or other Indian organizations eligible to receive Federal contracts, grants, loans, or cooperative agreements. In accordance with Departmental policy, EDA recognizes Tribal Employment Rights Ordinances ("TEROs"), which may provide for preferences in contracting and employment, in connection with its financial assistance awards. Tribal ordinances requiring preference in contracting, hiring, firing, and the payment of a TERO fee generally are allowable provisions under federal awards granted to American Indian and Alaska Native tribal governments. The payment of the TERO fee, which supports the tribal employment rights office to administer the preferences, should generally be allowable as an expense that is "necessary and reasonable for proper and efficient performance and administration" of an Award, as provided under the applicable cost principles set out in 2 C.F.R. part 225.

K. Codes of Conduct and Subaward, Contract, and Subcontract Provisions.

1. Code of Conduct for Recipients.
Pursuant to the certification in Form SF-424B, paragraph 3, the Recipient must maintain written standards of conduct to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflicts-of-interest or personal gain in the administration of this Award.

2. **Applicability of Award Provisions to Subrecipients.**

a. The Recipient shall require all subrecipients, including lower tier subrecipients, under the award to comply with the provisions of this Award, including applicable cost principles, administrative, and audit requirements, and all associated Terms and Conditions.

b. A Recipient is responsible for subrecipient monitoring, including the following:

(i) *Award Identification* – At the time of the Award, identifying to the subrecipient the federal award information (e.g., Catalog of Federal Domestic Assistance (CFDA) title and number, name of the Federal agency, and the Award number) and applicable compliance requirements.

(ii) *During-the-Award Monitoring* – Monitoring the subrecipient's use of federal awards through reporting, site visits, regular contact, or other means to provide reasonable assurance that the subrecipient administers Federal awards in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.

(iii) *Subrecipient Audits* – Ensuring that a subrecipient expending federal awards of $500,000 or more during the subrecipient's fiscal year has met the audit requirements of OMB Circular A-133 and that the required audits are completed within nine months of the end of the subrecipient's audit period. In addition, the Recipient is required to issue a management decision on audit findings within six months after receipt of the subrecipient's audit report and ensure that the subrecipient takes timely and appropriate corrective action on all audit findings. In cases of a subrecipient's continued inability or unwillingness to have the required audits, the pass-through entity shall take appropriate action using sanctions.

3. **Competition and Codes of Conduct for Subawards.**

a. All subawards will be made in a manner to provide, to the maximum extent practicable, open and free competition. The Recipient must be alert to organizational conflicts of interest as well as other practices among subrecipients that may restrict or eliminate competition. In order to ensure objective subrecipient performance and eliminate unfair competitive advantage, subrecipients that develop or draft work requirements, statements of work, or requests for proposals shall be excluded from competing for such subawards.

b. The Recipient shall maintain written standards of conduct governing the performance of its employees engaged in the Award and administration of subawards. No employee, officer, or agent shall participate in the selection, award, or administration of a subaward supported by Federal funds if a real or apparent conflict-of-interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization in which he/she serves as an officer or which employs or is about to employ any of the parties mentioned in this section, has a financial interest or other interest in the organization selected or to be selected for a subaward. The officers, employees, and agents of the Recipient shall neither solicit nor accept anything of monetary value from subrecipients. However, the Recipient may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Recipient.

c. A financial interest may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward. An appearance of impairment of objectivity could result from an organizational conflict where, because of other activities or relationships with other persons or entities, a person is unable or potentially unable to render impartial assistance or advice. It could also result from non-financial gain to the individual, such as benefit to reputation or prestige in a professional field.

4. Applicability of Provisions to Subawards, Contracts, and Subcontracts.

a. The Recipient shall include the following notice in each request for applications or bids:

Applicants/bidders for a lower tier covered transaction (except procurement contracts for goods and services under $25,000 not requiring the consent of a DOC official) are subject to 2 C.F.R. part 1326, subpart C, "Governmentwide Debarment and Suspension (Nonprocurement)." *In addition, applicants/bidders for a lower tier covered transaction for a subaward, contract, or subcontract greater than $100,000 of Federal funds at any tier are subject to 15 C.F.R. part 28,* "New Restrictions on Lobbying." *Applicants/bidders should familiarize themselves with these provisions, including the certification requirement. Therefore, applications for a lower tier covered transaction must include a Form CD-512,* "Certification Regarding Lobbying–Lower Tier Covered Transactions," *completed without modification.*

b. The Recipient shall include a term or condition in all lower tier covered transactions (subawards, contracts, and subcontracts), that the Award is subject to subpart C of 2 C.F.R. part 1326, "Governmentwide Debarment and Suspension (Nonprocurement)."

c. The Recipient shall include a statement in all lower tier covered transactions (subawards, contracts, and subcontracts) exceeding $100,000 in Federal funds, that the subaward, contract, or subcontract is subject to 31 U.S.C § 1352, as implemented at 15 C.F.R. part 28, regarding new restrictions on lobbying. The Recipient shall further require the subrecipient, contractor, or subcontractor to submit a completed Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying. The Form SF-LLL shall be submitted within 15 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Form SF-LLL shall be submitted from tier to tier until received by the Recipient. The Recipient must submit all disclosure forms received, including those that report lobbying activity on its own behalf, to the Project Officer within 30 days following the end of the calendar quarter.

5. **Small Businesses, Minority Business Enterprises and Women's Business Enterprises.** DOC encourages Recipients to utilize small businesses, minority business enterprises, and women's business enterprises in contracts under financial assistance awards. The Minority Business Development Agency will assist Recipients in matching qualified minority owned enterprises with contract opportunities. For further information visit MBDA's website at http://www.mbda.gov. If you do not have access to the Internet, you may contact MBDA via telephone or mail:

U.S. Department of Commerce
Minority Business Development Agency
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

6. **Subaward and/or Contract to a Federal Agency.**

   a. The Recipient, subrecipient, contractor and/or subcontractor shall not subgrant or subcontract any part of the approved Project to any agency or employee of DOC or other Federal department, agency, or instrumentality without the prior written approval of the Grants Officer.

   b. Requests for approval of such action must be submitted to the Project Officer who shall review and make a recommendation to the Grants Officer. The Grants Officer must forward all requests to the Federal Assistance Law Division in the Office of the Department of Commerce Assistant General Counsel for Finance and Litigation for review prior to making the final determination. The Grants Officer will notify the Recipient in writing of the final determination.

7. **EDA Contracting Provisions for Construction Projects.** The Recipient shall use the "*EDA Contracting Provisions for Construction Projects*" as guidance in developing all construction contracts. The "*EDA Contracting Provisions for Construction Projects*" lists applicable EDA and other federal requirements for construction contracts.

L. Property.

1. **Standards.** With respect to any property acquired or improved in whole or in part with EDA investment assistance under this Award, the Recipient shall comply with the property management standards found in the uniform administrative requirements set forth in 15 C.F.R. §§ 14.30 – 14.37 and 15

C.F.R. §§ 24.31-24.34, and EDA's regulations at 13 C.F.R. part 314. Property acquired or improved in whole or in part by the Recipient under this Award may consist of personal property, including intangible property such as money, notes, and security interests. Any inventory listings stipulated under the applicable uniform administrative requirements must be submitted to the Grants Officer through the Project Officer on Form CD-281, "*Report of Government Property in Possession of Contractor*."

2. Retention of Title.

a. The Government shall determine who retains title to all nonexpendable personal property in accordance with 15 C.F.R. parts 14 or 24, as applicable. Use, management, and the disposition of such property will be in accordance with the requirements set out at 15 C.F.R. parts 14 or 24, as applicable, and EDA's regulations at 13 C.F.R. part 314.

b. Title to real property (whether acquired partly or wholly with Federal funds) will vest with the Recipient subject to the condition that the Recipient uses the real property for the authorized purpose of the Project.

3. EDA's Interest in Award Property.

a. *General and Evidence of Title*. As stated in section A.4 of these Construction Standard Terms and Conditions, the Recipient holds all real property and tangible and intangible personal property that it acquires or improves, in whole or in part, with funds made available under the Award in trust for the public purposes for which the Award was made. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains the Federal Interest.

Prior to the advertisement of bids or at such other time as EDA requires, the Recipient must furnish evidence, satisfactory in form or substance to the Government, that title to real property required for the Project (other than property of the United States and as provided in 13 C.F.R. § 314.7(c)) is vested in the Recipient and that such easements, rights-of-way, State or local government permits, long-term leases, or other items required for the Project have been or will be obtained by the Recipient within an acceptable time, as determined by the Government. All liens, mortgages, other encumbrances, reservations, reversionary interests, or other restrictions on title or the Recipient's interest in the property must be disclosed to EDA. With limited exceptions set forth in 13 C.F.R. § 314.6(b) or as otherwise authorized by EDA, Recipient-owned property acquired or improved in whole or in part with EDA investment assistance must not be used to secure a mortgage or deed of trust or in any way otherwise encumbered. *See* 13 C.F.R. § 314.6.

b. *Recording EDA's Interest in Property*.

(i) For all Projects involving the acquisition, construction, or improvement of a building, as determined by EDA, the Recipient shall execute and furnish to the Government, prior to initial Award disbursement, a lien, covenant, or other statement, satisfactory to EDA in form and substance, of EDA's interest in the property acquired or improved in whole or in part with the funds made available under this Award. EDA may require such statement after initial Award disbursement in the event that grant funds are being used to acquire such property. The statement must specify the estimated useful life of the Project and shall include but not be limited to the disposition, encumbrance, and the Federal Share compensation requirements. *See* 13 C.F.R. §§ 314.1 and 314.8(a).

(ii) This lien, covenant, or other statement of the Government's interest must be perfected and placed of record in the real property records of the jurisdiction in which the property is located, all in accordance with applicable law. EDA shall require an opinion of counsel for the Recipient to substantiate that the document has been properly recorded. *See* 13 C.F.R. § 314.8(b).

(iii) Facilities in which the EDA investment is only a small part of a larger project, as determined by EDA, may be exempted from the requirements listed in paragraphs L.3.b.(i) and (ii) above. *See* 13 C.F.R. § 314.8(c).

c. The Recipient acknowledges that the Government retains an undivided equitable reversionary interest in the Property acquired or improved in whole or in part with grant funds made available through this Award throughout the estimated useful life (as determined by EDA) of the Project, except in applicable instances set forth in 13 C.F.R. § 314.7(c). *See* 13 C.F.R. § 314.2(a).

d. The Recipient agrees that in the event that any interest in property acquired or improved in whole or in part with EDA investment assistance is disposed of, encumbered or alienated in any manner, or no longer used for the authorized purpose(s) of the Award during the Project's estimated useful life without EDA's written approval, the Government will be entitled to recover the Federal Share, as defined at 13 C.F.R. § 314.5. If, during the Project's estimated useful life, the property is no longer needed for the purpose(s) of the Award, as determined by EDA, EDA may permit its use for other acceptable purposes consistent with those authorized by PWEDA and 13 C.F.R. chapter III. *See* 13 C.F.R. § 314.3(b).

e. For purposes of any lien or security interest, the amount of the Federal Share shall be the portion of the current fair market value of any property (after deducting any actual and reasonable selling and repair expenses incurred to put the property into marketable condition) attributable to EDA's participation in the Project. *See* 13 C.F.R. § 314.5.

f. The alienation of Award property includes sale or other conveyance of the Recipient's interest, leasing or mortgaging the property, or granting an option for any of the foregoing.

4. Insurance and Bonding.

a. *Recipients that are Institutions of Higher Education, Hospitals, Other Non-Profit and Commercial Organizations*. The Recipient shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with federal funds as provided to property owned by the Recipient. Federally owned property need not be insured unless required by the terms and conditions of the award. *See* 15 C.F.R. § 14.31.

b. *Recipients that are State and Local Governments*. If the Award exceeds the simplified acquisition threshold, EDA may accept the Recipient's or subrecipient's bonding policy and requirements if EDA determines that the Federal Interest is adequately protected. If not, the following minimum requirements shall apply:

(i) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the proffered bid, execute such contractual documents as may be required within the time specified;

(ii) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract; and

(iii) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. *See* 15 C.F.R. § 24.36(h)

5. Leasing Restrictions.
Leasing or renting of facilities or property is prohibited unless specifically authorized by EDA. The Recipient agrees that any leasing or renting of any facilities or property involved in this Project will be subject to the following:

a. That said lease arrangement is consistent with the authorized general and special purpose of the Award;

b. That said lease arrangement is for adequate consideration; and

c. That said lease arrangement is consistent with applicable EDA requirements concerning but not limited to nondiscrimination and environmental compliance.

6. Eminent Domain.

The Recipient will use funds solely for the authorized use of the Project. Pursuant to Executive Order 13406, "*Protecting the Property Rights of the American People*," the Recipient agrees:

a. Not to use any power of eminent domain available to the Recipient (including the commencement of eminent domain proceedings) for use in connection with the Project for the purpose of advancing the economic interests of private parties; and

b. Not to accept title to land, easements, or other interests in land acquired by the use of any power of eminent domain for use in connection with the Project for such purposes.

The Recipient agrees that any use of the power of eminent domain to acquire land, easements, or interests in land, whether by the Recipient or any other entity that has the power of eminent domain, in connection with the Project without prior written consent of EDA is an unauthorized use of the Project. If the Recipient puts the Project to an unauthorized use, the Recipient shall compensate EDA for its fair share in accordance with 13 C.F.R. §§ 314.4 and 314.5, as same may be amended from time to time.

7. Disposal of Real Property.

a. If EDA and the Recipient determine that property acquired or improved in whole or in part with EDA investment assistance is no longer needed for the original purpose(s) of this Award, the Recipient must obtain approval from the Government to use the property in other federal grant programs or in programs that have purposes consistent with those authorized by PWEDA and 13 C.F.R. chapter III. *See* 13 C.F.R. § 314.3(b).

b. When property is not disposed of as provided in section L.7.a. above, the Government shall determine final disposition and must be compensated by the Recipient for the Federal Share of the value of the property, plus costs and interest, as provided in 13 C.F.R. § 314.4.

M. Environmental Requirements.

Environmental impacts must be considered by Federal decision-makers in their decisions whether or not to: (i) approve a proposal for federal assistance; (ii) approve the proposal with mitigation; or (iii) approve a different proposal/grant having less adverse environmental impacts. Federal environmental laws require that the funding agency initiate a planning process with early consideration of potential environmental impacts that Project(s) funded with federal assistance may have on the environment. The Recipient and any subrecipients shall comply with all environmental standards, to include those prescribed under the following statutes and Executive Orders, and shall identify to the awarding agency any impact the Award may have on the environment. In some cases, the Grants Officer can withhold Award funds under a special award condition requiring the Recipient to submit additional environmental compliance information sufficient to enable the Department to make an assessment on any impacts that a Project may have on the environment.

1. **The National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.)**

The National Environmental Policy Act ("NEPA") and the Council on Environmental Quality ("CEQ") implementing regulations (40 C.F.R. parts 1500 – 1508) require that an environmental analysis be completed for all major Federal actions significantly affecting the environment. NEPA applies to the actions of Federal agencies and may include a Federal agency's decision to fund non-federal projects under grants and cooperative agreements. Recipients of Federal assistance are required to identify to the awarding agency any impact an award will have on the quality of the human environment and assist the agency to comply with NEPA. Recipients may also be requested to assist EDA in drafting an environmental assessment if EDA determines an assessment is required. In the event that any additional information is required during the project period in order to assess any impacts that a Project may have on the environment, funds can be withheld by the Grants Officer under a special award condition requiring the Recipient to submit such additional environmental compliance information sufficient to enable EDA to make the requisite assessment.

2. **National Historic Preservation Act (16 U.S.C. § 470 et seq.)**

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) and the Advisory Council on Historic Preservation implementing regulations (36 C.F.R. Part 800) require that Federal agencies take into account the effects of their undertakings on historic properties. Recipients of Federal funding are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Recipients may also be requested to assist EDA in consulting with State or Tribal Historic Preservation Officers or other applicable interested parties necessary to identify, assess and resolve adverse effects to historic properties. Until such time as the appropriate NHPA consultations and documentation is complete, funds can be withheld by the Grants Officer under a special award condition requiring the Recipient to fully comply with the requirement of the NHPA. In the event that any additional information is required during the project period in order to assess any impacts that a Project may have on historic properties, funds can be withheld by the Grants Officer under a special award condition requiring the Recipient to submit such additional information sufficient to enable EDA to make the requisite assessment.

3. **Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. §§ 4371 – 4375)**

   Federally-supported public works facilities and activities that affect the environment shall be implemented in compliance with policies established under existing law.

4. **Clean Air Act, Clean Water Act, and Executive Order 11738**

   Recipients must comply with the provisions of the Clean Air Act (42 U.S.C. § 7401 *et seq*.), the Clean Water Act (42 U.S.C. § 1251 *et seq*.), and Executive Order 11738, and shall not use a facility on the Environmental Protection Agency's ("EPA") *List of Violating Facilities* (this list is incorporated into the Excluded Parties List System located at https://www.sam.gov/portal/public/SAM/) in performing any Award that is nonexempt under 2 C.F.R. § 1532, and shall notify the Project Officer in writing if it intends to use a facility that is on EPA's *List of Violating Facilities* or knows that the facility has been recommended to be placed on the List.

5. **The Safe Drinking Water Act of 1974, as amended (42 U.S.C. § 300f et seq.)**

   This Act precludes Federal assistance for any project that the EPA determines may contaminate a sole source aquifer so as to threaten public health.

6. **Executive Order 11988, "Floodplain Management," (42 Fed. Reg. 26951, May 24, 1977) and Executive Order 11990, "Protection of Wetlands," (42 Fed. Reg. 26961, May 24, 1977)**
   Recipients must identify proposed actions in Federally defined floodplains and wetlands to enable the agency to make a determination whether there is an alternative to minimize any potential harm.

7. **The Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4002 et seq.), and regulations and guidelines issued thereunder by the U.S. Federal Emergency Management Administration ("FEMA") or by EDA**

   Flood insurance, when available, is required for Federally-assisted construction or acquisition in flood-prone areas.

8. **The Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1451 et seq.)**

   Funded projects must be consistent with a coastal State's approved management plan for the coastal zone.

9. The Coastal Barrier Resources Act, as amended, (16 U.S.C. § 3501 et seq.)

Restrictions are placed on Federal funding for actions within a Coastal Barrier System.

10. The Wild and Scenic Rivers Act, as amended, (16 U.S.C. § 1271 et seq.)

This Act applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.

11. The Fish and Wildlife Coordination Act, as amended, (16 U.S.C. § 661 et seq.)

Requiring the evaluation the impacts to fish and wildlife from Federally-assisted proposed water resource development projects.

12. The Endangered Species Act of 1973, as amended, (16 U.S.C. § 1531 et seq.)

The Recipient must identify any impact or activities that may involve a threatened or endangered species. Federal agencies have the responsibility to ensure that Federal awards do not adversely affect protected species or habitats and must conduct the required reviews under the Endangered Species Act.

13. The Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund)(42 U.S.C. § 9601 et seq.), and the Community Environmental Response Facilitation Act (41 U.S.C. § 11001 et seq.)

These requirements address responsibilities of hazardous substance releases, threatened releases, and environmental cleanup. There is also a requirement to impose reporting and community involvement requirements to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.

14. The Resource Conservation and Recovery Act of 1976, as amended, (42 U.S.C. § 6901 et seq.)

This Act regulates the generation, transportation, treatment, and disposal of hazardous wastes, and also provides that Recipients of Federal funds give preference in their procurement programs to the purchase of recycled products pursuant to EPA guidelines.

15. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 Fed. Reg. 7629, February 11, 1994)

This Order identifies and addresses adverse human health or environmental effects of Federal programs, policies, and activities on low-income and minority populations.

16. The Lead-Based Paint Poisoning Prevention Act, as amended, (42 U.S.C. § 4821 et seq.)

Use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance is prohibited.

17. The Farmland Protection Policy Act, as amended, (7 U.S.C. §§ 4201 – 4209)
Projects are subject to review under this Act if they may irreversibly directly or indirectly convert farmland, including forest land, pastureland, cropland, or other land, to nonagricultural use.

18. The Noise Control Act of 1972, as amended, (42 U.S.C. § 4901 et seq.)

Federally-supported facilities and activities shall comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements.

19. The Native American Graves Protection and Repatriation Act, as amended, (25 U.S.C. § 3001 et seq.)

This Act provides a process for returning certain Native American cultural items to lineal descendants, culturally affiliated Indian Tribes, and Native Hawaiian organizations.

N. Compliance with Environmental Requirements.

The Recipient agrees to notify the Grants Officer of any environmental requirement or restriction, regulatory or otherwise, with which it must comply. Before Project Closeout and final disbursement of Award funds, the Recipient further agrees to provide evidence satisfactory to the Grants Officer that any required environmental remediation has been completed: (1) in compliance with all applicable federal, State and local regulations; and (2) as set forth in the applicable Lease, Finding of Suitability to Lease ("FOSL"), Lease in Furtherance of Conveyance, Quitclaim Deed, or other conveyance instrument and any amendments, supplements, or succeeding documents. Compliance with said laws or restrictions shall be included in any contract documents for Project construction. The Recipient must certify compliance before final disbursement of grant funds.

O. Miscellaneous Requirements.

1. Criminal and Prohibited Activities.

a. The Program Fraud Civil Remedies Act (31 U.S.C. §§ 3801-3812) provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal Government for money (including money representing grants, loans, or other benefits).

b. The False Claims Amendment Act and the False Statements Act (18 U.S.C. §§ 287 and 1001) provide that whoever makes or presents any false, fictitious, or fraudulent statement, representation, or claim against the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 U.S.C. § 287.

c. The Civil False Claims Act (31 U.S.C. § 3729 *et seq.*) provides that suits under this Act can be brought by the Government, or a person on behalf of the Federal Government, for false claims under federal assistance programs.

d. The Copeland "Anti-Kickback" Act (18 U.S.C. § 874 and 40 U.S.C. § 276c), prohibits a person or organization engaged in a federally supported Project from enticing an employee working on the Project from giving up a part of his compensation under an employment contract. The Copeland "Anti-Kickback" Act also applies to contractors and subcontractors pursuant to 40 U.S.C. § 3145.

2. Foreign Travel.

a. The Recipient shall comply with the provisions of the Fly America Act (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131 – 10.143.

b. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use United States flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a United States flag air carrier is unavailable, or use of United States flag air carrier service will not accomplish the agency's mission.

c. One exception to the requirement to fly U.S. flag carriers is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act pursuant to 49 U.S.C. § 40118(b). The United States Government has entered into bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) that allow Federal funded transportation services for travel and cargo movements to use foreign air carriers under certain circumstances. There are multiple "Open Skies Agreements" currently in effect. For more information about the current bilateral and multilateral agreements, visit the GSA website http://www.gsa.gov/portal/content/103191. Information on the three Open Skies agreements (U.S. Government Procured Transportation) and other specific country agreements may be accessed via the Department of State's website http://www.state.gov/e/eeb/tra/.

d. If a foreign air carrier is anticipated to be used, the Recipient must receive prior approval from the Grants Officer. When requesting such approval in accordance with the guidance provided by 41 C.F.R. § 301-10.142, the Recipient must provide a "certification" the Grants Officer with the following: (i) his or her name; (ii) dates of travel; (iii) the origin and destination of travel; (iv) a detailed itinerary of travel; (v) the name of the air carrier and flight number for each leg of the trip; (vi) and a statement explaining why the Recipient meets one of the exceptions to the applicable regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the Recipient must provide the Grants Officer with a copy of the agreement. The Grants Officer shall make the final determination and notify the Recipient in writing. Failure to adhere to the provisions of the Fly America Act will result in the Recipient not being reimbursed for any transportation costs for which the Recipient improperly used a foreign air carrier.

3. American-Made Equipment and Products.

Recipients are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this Award.

4. Intellectual Property Rights.

a. **Inventions**. The intellectual property rights to any invention made by a Recipient under a DOC Award are determined by the Bayh-Dole Act, as amended (Pub. L. No. 96-517), and codified in 35 U.S.C. § 200 *et seq*., except as otherwise required by law. The specific rights and responsibilities are described in more detail in 37 C.F.R. part 401, and in the particular, in the standard patent rights clause in 37 C.F.R. § 401.14, which is hereby incorporated by reference into this Award.

(i) Ownership.

(a) *Recipient.* The Recipient has the right to own any invention it makes (conceived or first reduced to practice) or that is made by its employees. A recipient that is a non-profit organization, which includes a university or other institution of higher learning, may not assign to a third party its rights to such an invention without the permission of DOC unless that assignment is to a patent management organization (i.e., a university's Research Foundation). The Recipient's ownership rights are subject to the Federal Government's nonexclusive paid-up license and other rights.

(b) *Department.* If the recipient elects not to retain title, fails to disclose the invention to the agency within the required time limits, or does not file a patent application within the time limits set forth in the standard patent rights clause, DOC may request an assignment of all rights, which is normally subject to a limited royalty free nonexclusive revocable license for the recipient. DOC owns any invention made solely by its employees, but may license the recipient in accordance with the procedures in 37 C.F.R. Part 404.

(c) *Inventor/Employee.* If neither the Recipient nor the Department is interested in owning an invention by a Recipient employee, the Recipient, with the written concurrence of the Department's Patent Counsel, may allow the inventor/employee to own the invention subject to certain restrictions as described in 37 C.F.R. § 401.9.

(d) *Joint Inventions.* Inventions made jointly by a Recipient and a Department employee will be owned jointly by the Recipient and DOC. However, the Department may transfer its rights to the Recipient as authorized by 35 U.S.C. § 202(e) and 37 C.F.R. § 401.10 if the Recipient is willing to patent and license the invention in exchange for a share of "net" royalties based on the number of inventors (e.g., 50-50 if there is one Recipient and Department employee). The agreement will be prepared by the Department's Patent Counsel and may include other provisions, such as a royalty free license to the Federal Government and certain other entities. The provision at 35 U.S.C. § 202(e) also authorizes the Recipient to transfer its rights to the Government, which can agree to share royalties similarly as described above.

(ii) Responsibilities –iEdison.
The Recipient has responsibilities and duties set forth in the standard patent rights clause, which are not described below. The Recipient is expected to comply with all the requirements of the standard patent rights clause and 37 C.F.R. part 401. Recipients of DOC Awards are required to submit their disclosures and elections electronically using the Interagency Edison extramural invention reporting system (iEdison) at www.iedison.gov. The Recipient may obtain a waiver of this electronic submission requirement by providing DOC compelling reasons for allowing the submission of paper copies of reports related to inventions.

b. *Patent Notification Procedures.* Pursuant to Executive Order 12889, the Department is required to notify the owner of any valid patent covering technology whenever the Department or its Recipients, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the

Recipient uses or has used patented technology under this Award without a license or permission from the owner, the Recipient must notify the Grants Officer. However, this notice does not necessarily mean that the Government authorizes and consents to any copyright or patent infringement occurring under the financial assistance.

c. *Data, Databases, and Software.* The rights to any work produced or purchased under a DOC Award are determined by 15 C.F.R. § 24.34, for State and Local Governments, and 15 C.F.R. § 14.36, for Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations. Such works may include data, databases, or software. The Recipient owns any work produced or purchased under a DOC Award subject to the Department's right to obtain, reproduce, publish, or otherwise use the work or authorize others to receive, reproduce, publish, or otherwise use the data for Government purposes.

d. *Copyright*. The Recipient may copyright any work produced under a DOC Award subject to the Department's royalty-free, non-exclusive, and irrevocable right to reproduce, publish or otherwise use the work or authorize others to do so for Federal Government purposes. Works jointly authored by the Department and Recipient employees may be copyrighted, but only the part authored by the Recipient is protected because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. On occasion, DOC may require the recipient to transfer to DOC its copyright in a particular work for Government purposes or when DOC is undertaking the primary dissemination of the work. Ownership of copyright by the Government through assignment is permitted by 17 U.S.C. § 105.

5. Increasing Seat Belt Use in the United States.

Pursuant to Executive Order 13043, Recipients should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented, or personally-owned vehicles.

6. Research Involving Human Subjects.

a. All proposed research involving human subjects must be conducted in accordance with 15 C.F.R. part 27, "*Protection of Human Subjects*." No research involving human subjects is permitted under this Award unless expressly authorized by special award condition or otherwise authorized in writing by the Grants Officer.

b. Federal policy defines a human subject as a living individual about whom an investigator conducting research obtains (i) data through intervention or interaction with the individual, or (ii) identifiable private information. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

c. The Department's regulations at 15 C.F.R. part 27 require that Recipients maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in carrying out the purpose(s) of this Award, the Recipient shall submit appropriate documentation to the Project Officer for approval. This documentation may include:

   (i) Documentation establishing approval of the Project by an institutional review board ("IRB") approved for government-wide use under Department of Health and Human Services guidelines (see 15 C.F.R. § 27.103);
   (ii) Documentation to support an exemption for the Project under 15 C.F.R. § 27.101(b);
   (iii) Documentation to support deferral for an exemption or IRB review under 15 C.F.R. § 27.118; or
   (iv) Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form.

d. No work involving human subjects may be undertaken, conducted, or costs incurred or charged for human subjects research until the appropriate documentation is approved in writing by the Grants Officer. Notwithstanding this prohibition, work may be initiated or costs incurred or charged to the Project for protocol or instrument development related to human subjects research.

7. Federal Employee Expenses.

Federal agencies are generally barred from accepting funds from a Recipient to pay transportation, travel, or other expenses for any Federal employee. Use of Award funds (Federal or non-Federal) or the Recipient's provision of in-kind goods or services for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, DOC policy prohibits the acceptance of gifts, including travel payments for Federal employees, from Recipients or applicants regardless of the source.

8. Minority Serving Institutions ("MSIs") Initiative.

Pursuant to Executive Order 13555 ("White House Initiative on Educational Excellence for Hispanics"), 13270 ("Tribal Colleges and Universities"), and 13532 ("Promoting Excellence, Innovation, and Sustainability at Historically Black Colleges and Universities"), DOC is strongly committed to broadening the participation of minority serving institutions (MSIs) in its financial assistance programs. DOC's goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. DOC encourages all applicants and recipients to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website.

9. Research Misconduct.

The Department of Commerce adopts, and applies to financial assistance awards for research, the Federal Policy on Research Misconduct (Federal Policy) issued by the Executive Office of the President's Office of Science and Technology Policy on December 6, 2000 (65 Fed. Reg. 76260 (2000)). As provided for in the Federal Policy, research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest errors or differences of opinion. Recipient organizations that conduct extramural research funded by the Department must foster an atmosphere conducive to the responsible conduct of sponsored research by safeguarding against and resolving allegations of research misconduct. Recipient organizations also have the primary responsibility to prevent, detect, and investigate allegations of research misconduct and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so. Federal award funds expended on an activity that is determined to be invalid or unreliable because of research misconduct may result in appropriate enforcement action under the award, up to and including award termination and possible suspension or debarment. The Department requires that any allegation that contains sufficient information to proceed with an inquiry be submitted to the Grants Officer, who will also notify the OIG of such allegation. Once the recipient organization has investigated the allegation, it will submit its findings to the Grants Officer. The DOC may accept the recipient's findings or proceed with its own investigation. The Grants Officer shall inform the recipient of the Departments final determination.

10. Publications, Videos, and Acknowledgment of Sponsorship.

a. Publication of results or findings in appropriate professional journals and production of video or other media is encouraged as an important method of recording and reporting results of federally funded projects, e.g. scientific research, and expanding access to federally funded projects.

b. Recipients must submit a copy of any publication materials, including but not limited to print, recorded or Internet materials, to their EDA Project Officer.

c. When releasing information related to a funded project, recipients must include a statement that the project or effort undertaken was or is sponsored by DOC.

d. Recipients are responsible for assuring that every publication of material based on, developed under, or produced under a DOC financial assistance award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer:

> *This [report/video] was prepared by [recipient name] under award [number] from [name of operating unit], U.S. Department of Commerce. The statements, findings,*

conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the [name of operating unit] or the U.S. Department of Commerce.

11. Care and Use of Live Vertebrate Animals.

Recipients must comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. No. 89-544), as amended (7 U.S.C. § 2131 *et seq*.) (animal acquisition, transport, care, handling, and use in projects), and the implementing regulations at 9 C.F.R. parts 1, 2, and 3; the Endangered Species Act (16 U.S.C. § 1531 *et seq*.); the Marine Mammal Protection Act (16 U.S.C. § 1361 *et seq*.) (taking possession, transport, purchase, sale, export or import of wildlife and plants); the Non-indigenous Aquatic Nuisance Prevention and Control Act (16 U.S.C. § 4701 *et seq*.) (ensure preventive measures are taken or that probable harm of using species is minimal if there is an escape or release); and all other applicable statutes pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by federal financial assistance. No research involving vertebrate animals is permitted under any DOC Award unless authorized by the Grants Officer.

12. Homeland Security Presidential Directive 12.

If the performance of a grant award requires Recipient organization personnel to have routine access to Federally-controlled facilities and/or federally controlled information systems (for purpose of this term "routine access" is defined as more than 180 business days), such personnel must undergo the personal identity verification credential process. In the case of foreign nationals, the DOC will conduct a check with U.S. Citizenship and Immigration Services' (USCIS) Verification Division, a component of the Department of Homeland Security (DHS), to ensure the individual is in a lawful immigration status and that they are eligible for employment within the US. Any items or services delivered under a financial assistance award shall comply with DOC personal identity verification procedures that implement Homeland Security Presidential Directive 12, "Policy for a Common Identification Standard for Federal Employees and Contractors", FIPS PUB 201, and OMB Memorandum M-05-24. The Recipient shall ensure that its subrecipients and contractors (at all tiers) performing work under this award comply with the requirements contained in this term. The Grants Officer may delay final payment under an award if the subrecipient or contractor fails to comply with the requirements listed in the term below. The Recipient shall insert the following term in all subawards and contracts when the subaward recipient or contractor is required to have routine physical access to a Federally-controlled facility or routine access to a federally controlled information system:

a. The subrecipient or contractor shall comply with DOC personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication (FIPS PUB) Number 201, as amended, for all employees under this subaward or contract who require *routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system.*

b. The subrecipient or contractor shall account for all forms of Government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor shall return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by DOC: (1) When no longer needed for subaward or contract performance; (2) Upon completion of the subrecipient or contractor employee's employment; (3) Upon subaward or contract completion or termination.

13. Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations.

a. This clause applies to the extent that this Award involves access to export-controlled items.

b. In performing this Award, the Recipient may gain access to export-controlled information or technology. The Recipient is responsible for compliance with all applicable laws and regulations regarding export-controlled information and technology, including deemed exports. The Recipient shall establish and maintain throughout performance of this Award effective export compliance procedures at non-DOC facilities. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled information and technology.

c. *Definitions*.

(i) *Export-controlled items*. Items (commodities, software, or technology), that are subject to the Export Administration Regulations (EAR) (15 C.F.R. §§ 730-774), implemented by the DOC's Bureau of Industry and Security. These are generally known as "dual-use" items, items with a military and commercial application.

(ii) *Deemed Export/Reexport*. The EAR defines a deemed export as a release of export-controlled items (specifically, technology or source code) to a foreign national in the U.S. Such release is "deemed" to be an export to the home country of the foreign national. 15 C.F.R. § 734.2(b)(2)(ii). A release may take the form of visual inspection, oral exchange of information, or the application abroad of knowledge or technical experience acquired in the U.S. If such a release occurs abroad, it is considered a deemed reexport to the foreign national's home country. Licenses from DOC may be required for deemed exports or reexports.

d. The Recipient shall control access to all export-controlled information and technology that it possesses or that comes into its possession in performance of this Award, to ensure that access is restricted, or licensed, as required by applicable Federal laws, Executive Orders, or regulations, including the EAR.

e. As applicable, Recipient personnel and associates at DOC sites will be informed of any procedures to identify and protect export-controlled items.

f. Nothing in the Terms and Conditions of this Award is intended to change, supersede or waive the requirements of applicable Federal laws, Executive Orders, or regulations.

g. The Recipient shall include this subsection entitled “Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations,” including this subparagraph (f), in all lower-tier transactions (sub-awards, contracts, and subcontracts) under this Award that may involve access to export-controlled information technology.

14. The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended, and the implementing regulations at 2 C.F.R. part 175

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal Government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. The Department hereby incorporates the following award term required by 2 C.F.R. § 175.15(b). *See* http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf.

Award Term from 2 C.F.R. § 175.15(b): Trafficking in persons.

a. Provisions applicable to a Recipient that is a private entity.

(i) You as the Recipient, your employees, subrecipients under this award, and subrecipients’ employees may not—

a) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
b) Procure a commercial sex act during the period of time that the award is in effect; or
c) Use forced labor in the performance of the award or subawards under the award.

(ii) EDA, as the Federal awarding agency, may unilaterally terminate this award, without penalty, if the Recipient or a subrecipient that is a private entity —

a) Is determined to have violated a prohibition in paragraph a.1 of this award term; or
b) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either— (A) Associated with

performance under this award; or (B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOC at 2 C.F.R. part 1326, "Nonprocurement Debarment and Suspension."

b. Provision applicable to a recipient other than a private entity. EDA as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

(i) Is determined to have violated an applicable prohibition in Section 14 paragraph a.1 of this award term; or

(ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

a) Associated with performance under this Award; or
b) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOC at 2 C.F.R. part 1326, "Nonprocurement Debarment and Suspension."

c. Provisions applicable to any Recipient.

(i) You must inform EDA immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

(ii) EDA's right to terminate unilaterally that is described in paragraph a.2 or b of this section:
a) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
b) Is in addition to all other remedies for noncompliance that are available to us under this award.

(iii) You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

(i) Employee means either:

a) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
b) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

(ii) Forced labor means: labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(iii) Private entity:
a) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25;
b) Includes: (A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b); and (B) A for-profit organization.

(iv) "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

15. The Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282, 31 USCA § 6101 Note)

a. Searchable Website Requirements. The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires information on Federal awards (Federal financial assistance and expenditures) be made available to the public via a single, searchable website. This information is available at www.USASpending.gov. Recipients and subrecipients must include the following required data elements in their application:
(i) Name of entity receiving award;
(ii) Award amount;
(iii) Transaction type, funding agency, Catalog of Federal Domestic Assistance Number, and descriptive award title;
(iv) Location of entity, primary location of performance (City/State/Congressional District/Country; and
(v) Unique identifier of entity.

b. Subaward and Executive Compensation Data Reporting Requirements. Prime grant recipients awarded a new Federal grant greater than or equal to $25,000 on or after October 1, 2010, other than those funded by the Recovery Act, are subject to FFATA subaward reporting requirements as outlined in the OMB guidance issued August 27, 2010. The prime recipient is required to file a FFATA subaward report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to $25,000. See Pub. L. No. 109-282, as amended by section 6202(a) of Pub. L. No. 110-252 (see 31 U.S.C. 6101 note). The reporting requirements are located in Appendix A of 2 C.F.R. Part 170 and are available on GPO's FDsys website: http://www.gpo.gov/fdsys/pkg/CFR-2011-title2-vol1/pdf/CFR-2011-title2-vol1-part170-appA.pdf.

c. Central Contractor Registration and Universal Identifier requirements.

(i) Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 C.F.R. 25.110, you as the Recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

(ii) Requirement for Data Universal Numbering System (DUNS) Numbers. If you are authorized to make subawards under this award, you:

a) Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
b) May not make a subaward to an entity unless the entity has provided its DUNS number to you.

(iii) Definitions for purposes of this award term:

a) Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management Internet site (currently at https://www.sam.gov/portal/public/SAM/).

b) Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866–705–5711) or the Internet (currently at http://fedgov.dnb.com/webform).

c) Entity, as it is used in this award term, means all of the following, as defined at 2 C.F.R. part 25, subpart C:
   (1) A Governmental organization, which is a State, local government, or Indian Tribe;
   (2) A foreign public entity;

(3) A domestic or foreign nonprofit organization;
(4) A domestic or foreign for-profit organization; and
(5) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

d) Subaward:
(1) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
(2) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. 210 of the attachment to OMB Circular A–133, "*Audits of States, Local Governments, and Non-Profit Organizations*").
(3) A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

e) Subrecipient means an entity that:
(1) Receives a subaward from you under this award; and
(2) Is accountable to you for the use of the Federal funds provided by the subaward.

16. Federal Financial Assistance Planning During a Funding Hiatus or Government Shutdown

This term sets forth initial guidance that will be implemented for Federal assistance awards in the event of a lapse in appropriations, or a government shutdown. The Grants Officer may issue further guidance prior to an anticipated shutdown.

a. Unless there is an actual rescission of funds for specific grant obligations, recipients of Federal financial assistance awards for which funds have been obligated generally will be able to continue to perform and incur allowable expenses under the award during a funding hiatus. Recipients are advised that ongoing activities by Federal employees involved in grant administration (including payment processing) or similar operational and administrative work cannot continue when there is a funding lapse. Therefore, there may be delays, including payment processing delays, in the event of a shutdown.

d. All award actions will be delayed during a government shutdown; if it appears that a recipient's performance under a grant or cooperative agreement will require agency involvement, direction, or clearance during the period of a possible government shutdown, the Program Officer or Grants Officer, as appropriate, may attempt to provide such involvement, direction, or clearance prior to the shutdown or advise recipients that such involvement, direction, or clearance will not be forthcoming during the shutdown. Accordingly, recipients whose ability to withdraw funds is subject to prior agency approval, which in general are recipients that have been designated high risk, recipients of construction awards, or are otherwise limited to reimbursements or subject to agency review, will be able draw funds down from the relevant Automatic Standard Application for Payment (ASAP) account only if agency approval is given and coded into ASAP prior to any government shutdown or closure. This limitation may not be lifted during a government shutdown. Recipients should plan to work with the Grants Officer to request prior approvals in advance of a shutdown wherever possible. Recipients whose authority to draw down award funds is restricted may decide to suspend work until the government reopens.

c. The ASAP system should remain operational during a government shutdown. Recipients that do not require any grant office or agency approval to draw down advance funds from their ASAP accounts should be able to do so during a shutdown. The 30-day limitation on the drawdown of advance funds will still apply notwithstanding a government shutdown and advanced funds held for more than 30 days will have to be returned with interest.

APPENDIX

<u>THE FOLLOWING REFERENCE MATERIALS AND FORMS ARE AVAILABLE ONLINE</u>:

1. 2 C.F.R. part 220 (codifying OMB Circular A-21, "*Cost Principles for Educational Institutions*")

2. 2 C.F.R. part 225 (codifying OMB Circular A-87, "*Cost Principles for State, Local and Indian Tribal Governments*")

3. 2 C.F.R. part 230 (codifying OMB Circular A-122, "*Cost Principles for Nonprofit Organizations*")

4. 2 C.F.R. part 1326, "*Non-Procurement Debarment and Suspension*"

5. 13 C.F.R. chapter III (EDA's regulations)

6. 15 C.F.R. part 14, "*Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit and Commercial Organizations"* (codifying OMB Circular A-110)

7. 15 C.F.R. part 24, "*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*"

8. 15 C.F.R. part 4, "*Disclosure of Government Information*"

9. 15 C.F.R. part 27, "*Protection of Human Subjects*"

10. 15 C.F.R. part 28, "*New Restrictions on Lobbying*"

11. 15 C.F.R. part 29, "*Government-wide Requirements for Drug-Free Workplace (Financial Assistance)*"

12. 48 C.F.R. part 31, "*Contract Cost Principles and Procedures*"

13. OMB Circular A-102, "*Grants and Cooperative Agreements with State and Local Governments*"

14. OMB Circular A-133, "*Audits of States, Local Governments and Nonprofit Organizations,*" and the related *Compliance Supplement*

To access EDA's regulations, visit EDA's Internet website at <u>http://www.eda.gov/pdf/EDAs_regs-13_CFR_Chapter_III.pdf</u> .

To access the Code of Federal Regulations (C.F.R.), visit the Government Printing Office's Internet website at <u>http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl</u>.

To access the OMB Circulars, visit OMB's Internet website at *www.whitehouse.gov/omb/circulars/index.html*.

To access the Davis Bacon wage rate determinations, visit the Department of Labor's Internet website at *www.wdol.gov/*.

EDA FORMS:

1. Form CD-281, "*Report of Government Property in Possession of Contractor*"

2. Form CD-451, "*Amendment to Financial Assistance Award*"

3. Form CD-346, "*Identification - Applicant for Funding Assistance*"

4. Form SF-425, "*Federal Financial Report*"

5. Form SF-271, "*Outlay Report and Request for Reimbursement for Construction Programs*"

6. Form SF-272, "*Federal Cash Transaction Report*"

7. Form SF-LLL, "*Disclosure of Lobbying Activities*"

To access Department of Commerce forms ("CD"), visit the Department's Internet website at *http://ocio.os.doc.gov/ITPolicyandPrograms/Electronic_Forms/index.htm*.

To access the Standard Forms ("SF"), visit the General Services Administration's Internet website at *www.gsa.gov/Portal/gsa/ep/formslibrary.do?formType=SF*.

City Council
1901 5Th Street
Bay City, TX 77414

ADOPTED

Meeting: 08/14/14 07:00 PM
Department: Community Development
Category: Purchase
Prepared By: D C Dunham
Initiator: D C Dunham
Sponsors:
DOC ID: 1578

AGENDA ITEM (ID # 1578)

DISCUSS, CONSIDER AND / OR APPROVE MATCHING HISTORIC DOWNTOWN BUSINESS ASSOCIATION FUNDRAISING EFFORTS FOR LIGHTING AND DECORATIONS FOR CHRISTMAS AROUND THE COURTHOUSE SQUARE.

Historic Downtown Business Association (HDBA) has raised $10,000 to help in lighting and decorating for Christmas around the Courthouse, downtown buildings and City lamp posts. HDBA has agreed to hire Ambius to provide decorations on the lamp posts. Ambius would provide new decorations, hang, remove, store and rehab the decorations for three years. Main Street budget has $6,000 allocated for contracted services (previously used for Keep Bay City Beautiful) that has not been used. HDBA would like the City to join them in their three year commitment to help "Light up the Square".

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	William Cornman, Councilman
SECONDER:	Steven Johnson, Councilman
AYES:	Folse, Johnson, Thames, Estlinbaum, Cornman

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1569

DISCUSSION ITEM (ID # 1569)

DISCUSS, CONSIDER AND/OR APPROVE THE FORMATION OF A TASK FORCE TO STREAMLINE THE CITY'S APPLICATION AND APPROVAL PROCESS FOR BUILDERS AND/OR DEVELOPERS THAT ARE INTERESTED IN CONSTRUCTION PROJECTS WITHIN THE CITY LIMITS AND ETJ.

DEVELOPMENT PROCESS TASK FORCE

(for August, 14 Council meeting_

THE PROBLEM TO BE SOLVED

It is the City's sincere desire to encourage new development within the City and our ETJ. However, we find our application & approval process for investors and developers difficult to navigate and not user friendly - which creates all too often unnecessary lost time and effort, of course, extra cost, and a negative developer attitude relative to our City. This is verified via feedback from multiple developers as well as from our own local economic development people. It is the **Task Force's objective** to solve this problem by streamlining our process, which could come by altering the process steps, new ordinances, better training of those involved, and / or improved administrative direction.

It is anticipated the Task Force's work will include, but not be limited to, addressing the following topics:

1. Gain a complete understanding of our current process:
    - Interview all appropriate decision makers, which would include City employees as well as non-City people who have an influence relative to the process, and past users of our current process (such as the Drainage District, various contractors, etc.)
    - Review of Local Government Code 212.
    - Review City ordinances pertaining to the development process (subdivisions, platting, drainage, etc.)

2. Seek out and benchmark with other city organizations that are reported to have success in this area in search of best practices, or superior models.

3. Make recommendations for change in our current process, practices, & management.

4. Chart the various activities of the proposed process in flow chart (or similar) style, and include estimated timing for each step in the process.

5. Develop a step by step development process document that can be given to potential developer with the flow chart, contact information and potential fees.

TASK FORCE SIZE AND SKILL SETS NEEDED

It is recommended the Task Force be led and guided by the Planning Commission, and made up of 5-7 members with specific applicable skill sets. Perceived skill sets needed for this work lie in the following fields of endeavor:

- Public Works
- Builder / developer
- Drainage District
- Legal
- City Engineer
- Local Economic Development

The Mayor (or a Council Member) will act as liaison to the Task Force.

TIMING

Since the City appears to be at the beginning of a building renaissance, and especially new dwelling construction is sorely needed, time is of the essence. The Task Force should be appointed immediately to begin the progression. Ideally it is desired that this work be completed by the 2014 holidays. However, given the period between now and then includes summer vacations, the beginning of the school year, etc., completion by end of Q1, 2015 seems a more reasonable target.

Early in their proceedings the Task Force is asked to consider the appropriate time required to achieve the objective and make a recommendation back to the Mayor and Council.

WGC 7/ 3/ 2014
DCC 7/10/2014

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

DISCUSSION ITEM (ID # 1570)

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1570

PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 CITY COUNCIL SHALL CONVENE IN CLOSED SESSION FOR CONSULTATION WITH THE CITY ATTORNEY REGARDING ALLEGED PAST AND ONGOING MUNICIPAL AND BUILDING CODE VIOLATIONS AT 1728 6TH STREET, BAY CITY, TEXAS.

City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 08/14/14 07:00 PM
Department: City Secretary
Category: Report
Prepared By: Rhonda Clegg
Initiator: Rhonda Clegg
Sponsors:
DOC ID: 1575

DISCUSSION ITEM (ID # 1575)

CITY COUNCIL SHALL RECONVENE IN OPEN SESSION AND MAY CONSIDER AND/OR TAKE ACTION ON ANY ITEM LISTED ABOVE FOR CONSIDERATION/DISCUSSION IN EXECUTIVE SESSION (IF NECESSARY).