

**TULIA CITY COUNCIL
TUESDAY FEBRUARY 14, 2023
AT 5:00 P.M.
TULIA CITY HALL, CITY COUNCIL CHAMBERS**

1. Call to Order and Quorum Call

_____ Dusty George, Mayor	_____ City Manager
_____ Israel 'Bibo' Ramirez	_____ City Secretary
_____ Jay Smith	_____ Finance Director
_____ Jed Owens	_____ City Attorney
_____ Greg Needham	_____ Public Works Director
	_____ Chief of Police
	_____ Electric Director

2. Presentations and Public Comment (Public Comments is limited to 3 minutes per speaker.)

3. Consider action on the Consent Agenda (usually approval of council meeting minutes will be placed under consent agenda along with non-controversial items that may have already been discussed or routinely handled in the past. This may include resolutions but not ordinances. A council member may remove an item from the consent agenda and place it on the Discussion and Action agenda before a vote on the Consent Agenda items.)

- **CONSIDER AND APPROVE**
 - MINUTES FROM THE JANUARY 10TH AND JANUARY 24TH, 2023 MEETING
 - REVENUE AND EXPENSE REPORT FOR QUARTERS ENDING SEPTEMBER 2022 AND DECEMBER 2022
 - POLICE CHIEF'S ANNUAL REPORT ON RACIAL PROFILING

4. Items for Discussion and Action

- a. PRESENTATION, DISCUSSION, AND POSSIBLE ACTION ON DANGEROUS STRUCTURES
- b. CONSIDER AND TAKE ACTION REGARDING CALL FOR ELECTION FOR DISTRICT I AND DISTRICT II
- c. CONSIDER AND TAKE ACTION ON ORDINANCE NO. 2023-01, AN ORDINANCE ORDERING A SPECIAL ELECTION FOR MAY 6, 2023, TO VOTE ON PROPOSED AMENDMENTS TO CITY CHARTER

- d. CONSIDER ACTION OF ADOPTING RESOLUTION 2023-01, FOR ENGINEERING SERVICES FOR APPLICATION TO THE TXCDBG 2023-2024 DOWNTOWN REVITALIZATION PROGRAM FUND & ASSOCIATED ENGINEERING CONSIDERATION IF FUNDED
- e. DISCUSS AND CONSIDER ACTION ON INTERGOVERNMENTAL AGREEMENT BETWEEN SWISHER COUNTY AND CITY OF TULIA REGARDING HOUSING OF CITY OF TULIA MUNICIPAL INMATES IN THE SWISHER COUNTY JAIL
- f. DISCUSSION ON MUTUAL AID LAW ENFORCEMENT AGREEMENT BETWEEN THE COUNTY AND CITY
- g. CONSIDER AND TAKE ACTION ON RESOLUTION 2023-02 AUTHORIZATION FOR THE TULIA POLICE DEPARTMENT TO PARTICIPATE IN THE TEXAS SMARTBUY MEMBERSHIP PROGRAM TULIA POLICE DEPARTMENT
- h. CONVENE INTO EXECUTIVE SESSION IN ACCORDANCE WITH TEX. GOV'T CODE §551.071 TO REQUEST AND RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY REGARDING (1) LEGAL ANALYSIS OF EXISTING CONTRACT(S) AND (2) CONTEMPLATED LITIGATION RELATED TO ELECTRIC UTILITY PROCUREMENT ISSUES.
- i. CONSIDER ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

5. Announcements

- TULIA POWER & LIGHT
- PUBLIC WORKS
- POLICE DEPT
- CITY HALL

6. Adjournment

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

This agenda was posted on or before February 10, 2023 by 5:00 p.m.

Kristina Solomon, City Secretary

STATE OF TEXAS X

COUNTY OF SWISHER X

CITY OF TULIA X

ON the 10th day of January, 2023, the City Council of the City of Tulia met in the City Council Chambers at 6:00 p.m.

Present were:	Israel 'Bibo' Ramirez	Mayor ProTem
	Jed Owens	Council Member
	Gregory Needham	Council Member

Also present were:	BJ Potts	City Manager
	Kristina Solomon	City Secretary
	Russell Proctor	Public Works Director
	Charla Nolen	Finance Director
	Brian West	Electric Director
	Paul Brown	Chief of Police
	Slater Elza	City Attorney

Absent was:	Dusty George	Mayor
	Jay Smith	Council Member

1. Call to Order and Quorum Call Work Session

Bibo Ramirez called the meeting to order at 6:00 p.m. in the City Council Chambers.

2. Presentations and Public Comment (Public Comment is limited to 3 minutes per speaker.)

No public comment

3. Consider action on the Consent Agenda (usually approval of council meeting minutes will be placed under consent agenda along with non-controversial items that may have already been discussed or routinely handled in the past. This may include resolutions but not ordinances. A council member may remove an item from the consent agenda and place it on the Discussion and Action agenda before a vote on the Consent Agenda items.)

- a. CONSIDER AND APPROVE MINUTES FROM THE DECEMBER 13 AND DECEMBER 17, 2022 MEETINGS

Greg Needham made a motion to approve the minutes as presented. A second was made by Jed Owens and passed with a 3-0 vote.

4. Items for Discussion and Action

- a. PRESENTATION OF SECTION 3 GOALS AND REQUIREMENTS AS IT RELATES TO THE CITY'S TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT #CDV21-0155. TO INCLUDE INFORMATION ON EMPLOYMENT OPPORTUNITIES OF LOW AND VERY LOW-INCOME PERSONS AS WELL AS RESIDENTS RESIDING IN THE COMMUNITY.

Item a. skipped due to being duplicate from last agenda

- b. CONSIDERATION OF AWARD TO THE LOWEST BID INCLUDING ASSOCIATED ALTERNATES FOR THE CITY OF TULIA'S TXCDBG PROJECT #CDV21-0155.

Two bids were received, West TX Utilities and W Industries. The lowest bid was from West TX Utilities for a total of \$402,308.

Greg Needham made a motion to award the TXCDBG project #CDV21-0155 to West TX Utilities. A second was made by Jed Owens and passed with a 3-0 vote.

- c. PRESENTATION BY BRIAN WEST, AEP ENERGY PARTNERS, INC., SECOND AMENDMENT TO MARKET BASED RATE PARTIAL REQUIREMENTS AGREEMENT

Brian presented a request to the Council to amend the AEP contract to allow the purchase of up to 3 megawatts as needed to prevent a high increase in cost similar to the one in 2021. Also, a second amendment to purchase 1 megawatt for each of the months of July-September.

- d. CONSIDER AND TAKE ANY NECESSARY ACTION TO APPROVE A SECOND AMENDMENT TO A MARKET BASED RATE PARTIAL REQUIREMENTS AGREEMENT DATED AUGUST 4, 2016, AND AMENDED BY THAT FIRST AMENDMENT DATED MAY 20, 2020 BETWEEN AEP ENERGY PARTNERS INC. AND THE CITY OF BROWNFIELD; ALLOWING THE CITY MANAGER THE AUTHORITY TO ENTER INTO ENERGY BLOCK TRANSACTIONS WITH COMPANY OF UP TO A QUANTITY OF 3 MWS FOR FIVE DAYS AT A NOT TO EXCEED COST OF UP TO \$100,000.00 PER PURCHASE TO SECURE BLOCK ENERGY AMOUNTS IN EXCESS OF CONTRACTED PARTIAL REQUIREMENT QUANTITIES.

Jed Owens made a motion to approve a second amendment to a market based partial requirements agreement dated August 4, 2016, and amended by that first amendment dated May 20, 2020 between AEP Energy Partners Inc. and the City of Brownfield; allowing the City Manager the authority to enter into energy block transactions with company of up to a quantity of 3 MWS for five days at a not to exceed cost of up to \$100,000.00 per purchase to secure block energy amounts in excess of contracted partial requirement quantities. A second was made by Greg Needham and passed with a 3-0 vote.

e. DISCUSS AND TAKE ACTION ON APPOINTMENT OF A CHARTER AMENDEMENT COMMITTEE;

- Frances McDowell
- Taylor Dutton
- Rusty Gray
- James Yarbrough
- Arthur Ramirez
- Rick Garcia
- John Gillespie
- Mary Ann Lawson
- Lana Barnett
- Ka Wilfong
- Mike Ewing
- Kelly West

Greg Needham made a motion to approve the appointment of the charter amendment committee members presented. A second was made by Jed Owens and passed with a 3-0 vote.

f. UNDERWOOD LAW FIRM, PRESENTATION ON CHARTER AMENDMENT PROCESS

Slater and BJ discussed how the Charter amendment process will work

g. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING APPROVAL OF ELECTION JUDGES

Election Day Workers:

Glenda Gibson – Presiding Judge

Bobby Moudy – Alternate Judge

(Clerk will be appointed by the Presiding Judge)

Early Voting Ballot Board:

Glenda Gibson – Presiding Judge
Sheila Via – Alternate Judge
Eldon McClurg – Clerk

Central Counting Station:
Richelle Culifer – Manager
Eldon McClurg -Tabulation Supervisor
Sheila Via – Presiding Judge

Greg Needham made a motion to approve the election judges as presented. A second was made by Jed Owens and passed with a 3-0 vote.

5. Announcements

BJ stated he's heard AMR ambulance service could be leaving Tulia

6. Adjournment

With no further business to discuss the meeting was adjourned at 6:51 p.m.

Mayor, Dusty George

ATTEST:

City Secretary, Kristina Solomon

STATE OF TEXAS X

COUNTY OF SWISHER X

CITY OF TULIA X

ON the 31st day of January, 2023, the City Council of the City of Tulia met in special session in the City Council Chambers at 6:00 p.m.

Present were:	Dusty George	Mayor
	Israel ‘Bibo’ Ramirez	Mayor ProTem
	Jed Owens	Council Member
	Gregory Needham	Council Member
	Jay Smith	Council Member

Also present were:	BJ Potts	City Manager
	Kristina Solomon	City Secretary
	Russell Proctor	Public Works Director
	Charla Nolen	Finance Director
	Brian West	Electric Director
	Paul Brown	Chief of Police
	Slater Elza	City Attorney

1. Call to Order and Quorum Call Work Session

Dusty George called the meeting to order at 6:00 p.m. in the City Council Chambers.

2. Presentations and Public Comment (Public Comment is limited to 3 minutes per speaker.)

No public comment

3. Items for Discussion and Action

- a. RECEIVE AND CONSIDER POSSIBLE ACTION OF PROPOSALS RECEIVED FOR ENGINEERING SERVICES FOR APPLICATION TO THE TXCDBG 2023-2024 DOWNTOWN REVITALIZATION FUND & ASSOCIATED ENGINEERING CONSIDERATION IF FUNDED.**

The city received 5 proposals. BJ, Russell, Greg, and Brian scored the proposals. Parkhill Engineers received the highest score and had the most experience with the downtown revitalization Tulia is looking to get funded for. After discussion the bid was awarded to Parkhill Engineers.

Greg Needham made a motion to award the bid for engineering services for application to the TxCDBG 2023-2024 downtown revitalization fund and associated engineering consideration if funded to Parkhill Engineers. A second was made by Jed Owens and passed with a 5-0 vote.

b. PRESENTATION AND DISCUSSION OF CHARTER AMENDMENT PROPOSITIONS

A City Charter Amendment Committee was created to discuss changes and updates needed for the City of Tulia Charter. The committee met 3 times. Slater reviewed the suggested updates to the council. These propositions will be on the May election for voter approval.

c. APPOINTMENT TO THE APPRAISAL BOARD

Greg Needham made a motion to appoint Dusty George to the Appraisal Board. A second was made by Bibo Ramirez and passed with a 5-0 vote.

d. DISCUSSION OF MACKENZIE MUNICIPAL WATER PROJECT – CITY OF SILVERTON

BJ and Russell met with the City of Silverton, Floydada, Lockney, TCEQ, MMWA, and the engineer to discuss Silverton's water situation.

2. Announcements

- TULIA POWER & LIGHT
- PUBLIC WORKS
- POLICE DEPT
- CITY HALL

Next meeting will be February 14th at 5:00.

Update on the solar farm

3. Adjournment

With no further business to discuss the meeting was adjourned at 7:21 p.m.

Mayor, Dusty George

ATTEST:

City Secretary, Kristina Solomon

QUARTERLY REVENUE & EXPENSE REPORT
BREAKDOWN

QTR: 9/30/2022

1) CASH BALANCE:	POOLED CASH	\$ 2,334,962.75
	EDC	\$ 397,010.76
	ALL OTHER FUNDS	\$ 5,601,940.39
	TOTAL:	\$ 8,333,913.90

		%	AMOUNT
2) AD VALOREM:	COLLECTIONS	100.78%	\$ 502,782.54

		AMOUNT
SALES TAX:	GENERAL FUND COLLECTIONS	\$ 285,777.88
	EDC COLLECTIONS	\$ 142,889.02
	TOTAL:	\$ 428,666.90

3) INTEREST REV:	GENERAL FUND:	\$141.63
Oct - Sep	SANITATION FUND:	\$7,535.82
	WTR/SWR FUND:	\$7,267.57
	ELECTRIC FUND:	\$7,651.15
	TOTAL:	\$22,596.17

4)	FUND	REVENUE	EXPENSE	REV O/U BEFORE XFER'S	REV O/U AFTER XFER'S
	GENERAL FUND	103.64%	99.85%	93.71%	0.00%
	SANITATION FUND	100.57%	100.12%	101.08%	39.74%
	WTR/SEW FUND	105.81%	98.07%	150.38%	95.25%
	ELECTRIC FUND	106.07%	102.31%	121.60%	155.77%
	AVG	104.02%	100.09%		
	EDC FUND	70.45%	26.67%		

QUARTERLY REVENUE & EXPENSE REPORT
BREAKDOWN

QTR: 12/31/2022

1) CASH BALANCE:	POOLED CASH	\$ 2,423,519.99
	EDC	\$ 430,629.57
	ALL OTHER FUNDS	\$ 3,250,500.29
	TOTAL:	\$ 6,104,649.85

		%	AMOUNT
2) AD VALOREM:	COLLECTIONS	54.62%	\$ 283,503.66

		AMOUNT
SALES TAX:	GENERAL FUND COLLECTIONS	\$ 79,614.42
	EDC COLLECTIONS	\$ 39,807.22
	TOTAL:	\$ 119,421.64

3) INTEREST REV:	GENERAL FUND:	\$0
Oct - Sep	SANITATION FUND:	\$7,063.93
	WTR/SWR FUND:	\$9,346.89
	ELECTRIC FUND:	\$7,266.63
	TOTAL:	\$23,677.45

4)	FUND	REVENUE	EXPENSE	REV O/U BEFORE XFER'S	REV O/U AFTER XFER'S
	GENERAL FUND	33.37%	28.48%	21.61%	13.87%
	SANITATION FUND	24.30%	46.37%	2.46%	-6.42%
	WTR/SEW FUND	24.82%	18.02%	49.93%	48.27%
	ELECTRIC FUND	21.56%	14.03%	101.07%	-2153.09%
	AVG	26.01%	26.73%		
	EDC FUND	70.45%	26.67%		



Racial Profiling 2022

Since January 1, 2002, the **Tulia Police Department** in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the Tulia Police Department continues to strive towards the goal of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the Tulia Police Department prohibiting the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period of 01/01/2022 and 12/31/2022. This information has been analyzed and compared to the demographics data on citizens residing in the Tulia, Texas area. The analysis of the data and recommendations for future areas of research are also included. It is my sincere hope that the channels of communication between community leaders and the Tulia Police Department continue to strengthen as we move forward to meet the challenges of the future.

Respectfully,



Paul Brown
Chief of Police

The Tulia Police Department Racial Profile Complaint

Complaint Process - Any person or persons alleging racial profiling may file a complaint against the specified employee or officer(s) and said complaints will be processed in accordance with the Tulia Police Department General Orders. All complainants will be informed of the Internal Affairs process. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.

Corrective Action: Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Chief of Police.

Data on Corrective action

The Tulia Police Department has not received any complaints, on any members of its Police force, for having violated the Texas Racial Profiling Law during the time period of 01/01/2022-12/31/2022.

Training

In compliance with the Texas Racial Profiling Law, the Tulia Police Department requires that all its officers adhere to all The Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the Tulia Police Department are required to complete TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. For example, a person who on September 1, 2001, held a TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years will complete a TCOLE training and education program on racial profiling not later than September 1, 2003.

Video Review Report

Each motor vehicle used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment.

Every traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video is recorded. If for any reason a malfunction occurs in a video system, the Officers of the Tulia Police Department utilize body cameras.

It is the policy of this department to retain the video recording for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department retains the video of the stop until final disposition of the complaint.

Supervisors ensure that officers of this department are recording their traffic and pedestrian stops. The Chief randomly reviews stops from each Officer monthly. No incidents of Racial Profiling and no undocumented searches were discovered in any of the reviewed recordings.

In 2022 there were not any alleged allegations of Racial Profiling and no undocumented searches discovered when the recordings were reviewed.



Tulia Police Department

Unity, Honor, Integrity

201 N. Maxwell Avenue, Tulia, TX 79088

806-995-3555 Fax 806-995-2222

Paul Brown Chief of Police



To: BJ Potts, City Manager

From: Paul Brown, Chief of Police

Re: 2022 Racial Profiling Video Review

Mr. Potts,

In accordance with The Texas State Law and The Tulia Police Department Policy regarding racial profiling, I, Paul Brown, Chief of Police, conducted reviews of randomly selected audio/video recordings of Police Officer, of this agency, interacting with the public. The selected videos have been from Body worn cameras worn by Tulia Police Department Police Officers.

This review concludes no Police Officers of The Tulia Police Department engaged in any patterns of racial profiling as defined by State and Federal law.

Chief of Police, Paul Brown

Analysis

The data presented in this report contains valuable information regarding police contacts with the public between 01/01/2022 through 12/31/2022.

When comparing the drivers who came in contact with the Tulia Police Department during 2022 with those who were residents of the city during that time the following data reveals, the number of police contacts with Caucasian drivers, when compared to the number of Caucasian city residents were 21.6% of the Caucasian population. Hispanic contacts were shown to be 23.8% of Hispanic population.

When analyzing in the same manner, the data relevant to individuals of African American descent, although the number of police contacts with African Americans, are (102) which is 20.6% of African American population, this does not represent a trend supportive of racial profiling because of the smaller population number.

Similarly, the Asian/Pacific Islander is 4 and 4 Asian/Pacific Islander residents were cited. Therefore 100%, due to the low population of Asian/Pacific Islander residents.

The Tulia Police Department is required to collect Full reporting racial profiling data. Upon approval from City Council, this report is submitted to TCOLE.

(I) Racial Profiling Report Data

Table 1. General Demographics of Contacts and Searches

Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC for Search		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	465	42	28	39	18	49	3	15	1	50
African American	102	9	11	15	4	11	4	20	1	50
Hispanic	531	49	32	46	15	40	13	65	0	0
Asian/Pacific Islander	4	0	0	0	0	0	0	0	0	0
Alaska Native/American Indian or Other	0	0	0	0	0	0	0	0	0	0
Total	1102	100	71	100	37	100	20	100	2	100

(II) Comparative Analysis

Table 1. Comparison of Self-Initiated Stops of Drivers and PRPC Resident Data

Race/Ethnicity*	Resident Contacts		Tulia Demographic Data (PRPC)		Variance	
	N	%	N	%	N	%
Caucasian	465	42	2150	43	1685	21.6
African American	102	9	495	10	393	20.6
Hispanic	531	49	2235	45	1704	23.8
Asian/Pacific Islander	4	0	4	0	0	100
Alaska Native/American Indian or Other	0	0	83	2	0	0
Total	1102	100	4967	100		

Summary Statement

The findings suggest that the Tulia Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received complaints from community members regarding officers misconduct associated with racial profiling practices.

The collection of police contact data will not have significant changes for 2023. The reporting information requirements will remain the same. This will assure a continuing thorough evaluation of the Tulia Police Department practices. Thus, allowing for the citizens of the community to benefit from professional and courteous service from their police department.



TULIA
Texas

127 SW 2nd Street * PO Box 847
Tulia, Texas 79088 * Phone (806)995-3547

Dangerous Structure Notice

TO: Reyes Contreras
Shannon Lee Contreras
208 N Maxwell
Tulia, Tx. 79088

The owner is hereby commanded to appear before the City Council of the City of Tulia, Texas, at it's meeting Place at the City Hall in the City of Tulia, Texas, on the date to be determined by you with the City Secretary (same being not less than 10 days after service of this notice) then and there to show cause why the building and/or structure situated on the following described real property, to wit: 208 N Maxwell Tulia, Texas 79088 / Legal description: BLK 25 LT 12 LESS N/11" OT TULIA should not be declared to be a dangerous building and why you should not be ordered to vacate, repair, remove and/or demolish such building or structure.

The owner will be required to submit at the hearing proof of the scope of any work that may be required to remove the building and/or structure from the definition of a dangerous building as herein defined and the time that it will take to reasonably perform the work.

The occupants, if other than the owner, lienholders and mortgagees will be given the opportunity to comment at the hearing.

A dangerous building as defined in Chapter 214 Municipal regulation of housing and other structures Sec. 214.001 (1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

(2) regardless of its structural condition, unoccupied by it's owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by children; or (3) boarded up, fenced, or otherwise secured in any manner if: (A) the building constitutes a danger to the public even though secured from entry; or (B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subdivision(2).

City of Tulia, Texas

By:



TULIA
Texas

127 SW 2nd Street * PO Box 847
Tulia, Texas 79088 * Phone (806)995-3547

Dangerous Structure Notice





TULIA
Texas

127 SW 2nd Street * PO Box 847
Tulia, Texas 79088 * Phone (806)995-3547

Dangerous Structure Notice

TO: Reyes Contreras
Shannon Lee Contreras
208 N Maxwell
Tulia, Tx. 79088

The owner is hereby commanded to appear before the City Council of the City of Tulia, Texas, at it's meeting Place at the City Hall in the City of Tulia, Texas, on the date to be determined by you with the City Secretary (same being not less than 10 days after service of this notice) then and there to show cause why the building and/or structure situated on the following described real property, to wit: 208 N Maxwell Tulia, Texas 79088 / Legal description: BLK 25 LT 12 LESS N/11" OT TULIA should not be declared to be a dangerous building and why you should not be ordered to vacate, repair, remove and/or demolish such building or structure.

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City of Tulia, Texas

By:



TULIA
Texas

127 SW 2nd Street * PO Box 847
Tulia, Texas 79088 * Phone (806)995-3547

Dangerous Structure Notice





TULIA
Texas

127 SW 2nd Street * PO Box 847
Tulia, Texas 79088 * Phone (806)995-3547

Dangerous Structure Notice

TO: First Assembly of God
Pastor Harold Drake
210 N Maxwell
Tulia, Tx. 79088

The owner is hereby commanded to appear before the City Council of the City of Tulia, Texas, at its meeting Place at the City Hall in the City of Tulia, Texas, on the date to be determined by you with the City Secretary (same being not less than 10 days after service of this notice) then and there to show cause why the building and/or structure situated on the following described real property, to wit: 210 N Maxwell Tulia, Texas 79088 / Legal description: BLK 25 W/85'LT 10, ALL 11 & N/11" LT 12 OT Tulia should not be declared to be a dangerous building and why you should not be ordered to vacate, repair, remove and/or demolish such building or structure.

The owner will be required to submit at the hearing proof of the scope of any work that may be required to remove the building and/or structure from the definition of a dangerous building as herein defined and the time that it will take to reasonably perform the work.

The occupants, if other than the owner, lienholders and mortgagees will be given the opportunity to comment at the hearing.

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City of Tulia, Texas

By:



TULIA
Texas

127 SW 2nd Street * PO Box 847
Tulia, Texas 79088 * Phone (806)995-3547

Dangerous Structure Notice

ORDER OF ELECTION FOR CITY OF TULIA

An election is hereby ordered to be held on May 6, 2023 for the purpose of filling the elected positions of:

Council Member Dist. I

Council Member Dist. II

Early voting by personal appearance will be conducted each weekday in the basement of the Swisher County Courthouse. Early voting hours are from 8:00 am to 5:00 pm beginning April 24, 2023 until May 2, 2023.

Applications for ballot by mail shall be mailed to:

Richelle Culifer
119 S. Maxwell Ave
Tulia, TX 79088

All applications for ballots by mail must be received no later than April 25, 2023 at 5:00 pm.

Issued this date the 14th of February, 2023.

Mayor

Signature of Councilperson

Signature of Councilperson

Signature of Councilperson

Signature of Councilperson

ORDEN DE ELECCIÓN PARA CIUDAD DE TULIA

Una elección se ordenó que se celebrará el 6 de mayo de 2023 con el fin de llenar los puestos elegidos de:

Alcalde

Consejo de Miembros Dist. I

Consejo de Miembros Dist. II

Votación anticipada por la apariencia personal se realizará cada día en el sótano de Swisher County Courthouse. De las 8:00 am hasta las 5:00 p.m., horario de votación temprana empiezan el 24 de abril de 2023 hasta el 2 de mayo de 2023. Las solicitudes de voto por correo deberán enviarse a:

Richelle Culifer
119 S. Maxwell Ave
Tulia, TX 79088

Todas las solicitudes de boletos por correo deben ser recibidas no más tarde del 25 de abril de 2023 a las 5:00 pm.

Emitió esta fecha el 14 de febrero de 2023.

Mayor

Signature of Councilperson

Signature of Councilperson

Signature of Councilperson

Signature of Councilperson

Signature of Councilperson

ORDINANCE NO. **2023-01**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULIA, TEXAS; ORDERING A SPECIAL ELECTION ON MAY 6, 2023, TO VOTE ON PROPOSED AMENDMENTS TO THE TULIA CITY CHARTER, AS MORE FULLY SET OUT HEREIN; ESTABLISHING A POLLING PLACE AND PROVIDING GENERALLY FOR THE CONDUCT OF SAID ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tulia seeks to proceed with the ordering of a special election for Saturday, May 6, 2023, the next uniform election date, and has deemed it advisable to call the election hereinafter ordered; and

WHEREAS, the Tulia City Charter (hereafter, "Charter" or "City Charter") was adopted by voters in 1972; and,

WHEREAS, since that time, there have been numerous changes in federal and state law requirements, public policy, and the needs of the city; and,

WHEREAS, it has been more than two (2) years since the Charter was last amended; and

WHEREAS, the City Council desires to submit proposed amendments to the voters of the City, as authorized by Section 9.004 of the Texas Local Government Code, on the Council's own motion; and

WHEREAS, the City Council here expresses its gratitude for the invaluable service performed by a citizen committee appointed to review the Charter and recommend possible revisions; and

WHEREAS, the City Council finds it is desirable and in the best public interests for voters to now consider certain amendments to the Charter in accordance with the several propositions described herein;

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

SECTION 1. Pursuant to Texas Local Government Code, section 9.004 that an election is hereby called by and for the City of Tulia to be held on the next uniform election date specified by the Texas Election Code, being May 6, 2023, to vote on the following propositions to amend the City of Tulia Home Rule Charter, as it currently exists as amended, which shall be separate propositions on a single ballot with the ballot text for each proposition to appear and read as shown below, for the reasons and purposes stated for each proposition:

Proposition No. 1 – References to Specific State Laws

WHEREAS, the Charter contains several references to state laws that either no longer exist or that have been moved to a different location within the statutes. This makes it difficult for any reader

to understand the meaning of the Charter. NOW, THEREFORE this proposition shall repeal most statutory citations in the Charter and in each instance replace such reference with the phrase, "applicable state law, as amended." Sections Affected: Article 1 through Article 17, inclusive, and Sec. 1-7(b) and Sec. 14-8(a) specifically.

Ballot Text:
PROPOSITION No. 1

To repeal references to a specific state law in the Tulia City Charter and in each instance replace it with the phrase, "applicable state law, as amended."

____ FOR
____ AGAINST

Proposition No. 2 – Annexation and Disannexation

WHEREAS, the City Charter mentions the City’s power to annex “with or without the consent of the territory or inhabitants annexed or detached.” However, today unilateral annexation without consent of the territory and inhabitants annexed is not allowed and Texas annexation statutes are highly developed with detailed procedures, timelines, restrictions, and notice requirements. NOW, THEREFORE, this proposition shall update Article 1, Section 1-5(a) to provide that the City has annexation authority and require that each annexation and disannexation be conducted in accordance with applicable state law or ordinance, and shall repeal Article 1, Section 1-5(b) related to annexation in accordance with the updated Section 1-5(a).

If Proposition 2 is approved by the voters on May 6, 2023, Section 1-5 of Article 1 of the Tulia City Charter shall thereafter read as follows:

- (a) The council shall have power by ordinance to fix the boundary limits of the city, and to provide for the alteration of the boundary limits, the detachment of territory, and the annexation of additional territory lying adjacent to the city, subject to such procedural rules as may be prescribed by law, including notice and hearing, as required by applicable state law. The City’s power of annexation shall be conducted in accordance with applicable state law. Residents of annexed territory shall be entitled to all rights and privileges of citizens who reside in the City, and shall be bound by acts, ordinances, resolutions, and regulations of the City. The boundaries of the City shall be those established by ordinance of the City Council enacted in accordance with the procedures provided for in federal, state, or other law. The City Secretary shall keep a correct and complete description of the City boundaries, indicating all annexations, detachments, and disannexations.

(b) Repealed.

Section Affected: Article 1, Sec. 1-5.

Ballot Text:

PROPOSITION No. 2

To amend Article 1, Section 1-5 of the Tulia City Charter to provide that the City's authority related to annexation and disannexation be conducted in accordance with applicable state law or ordinance.

_____ FOR

_____ AGAINST

Proposition No. 3 – Qualifications of Council members

WHEREAS, Article 2, Section 2-1(b) of the Charter currently provides for the qualifications of a member of the City Council, including specifically that “[o]nly qualified voters of the city who are at least twenty one (21) years of age and who have resided within the city at least twelve (12) months next preceding their election or appointment to fill a vacancy shall be qualified for the offices of the mayor and the other councilmen,” and the age requirement is outdated and should be eighteen (18) years of age; and WHEREAS, the Charter Amendment Committee recommended that the required period of residency be reduced to six (6) months to allow for as much participation in the political process as possible; NOW, THEREFORE, this proposition shall delete the outdated age requirement for office outlined above and provide for a required period of residency of six (6) months.

If Proposition 3 is approved by the voters on May 6, 2023, Section 2-1(b) of Article 2 of the Tulia City Charter shall thereafter read as follows:

(b) Only qualified voters of the city who are at least eighteen (18) years of age and who have resided within the city at least six (6) months next preceding their election or appointment to fill a vacancy shall be qualified for the offices of the mayor and the other councilmen. Neither the mayor nor any other councilman may hold any office or position in the city government by appointment by the city manager or by any subordinate of the city manager. If the mayor or any other councilman is convicted of a felony, his office shall become vacant immediately when the case is finally determined.

Section Affected: Article 2, Section 2-1(b).

Ballot Text:

PROPOSITION No. 3

To amend Article 2, Section 2-1(b) of the Tulia City Charter regarding the qualifications of the Council members to provide for a minimum age of eighteen (18) and amending the required period of residency to six (6) months.

_____ FOR

_____ AGAINST

Proposition No. 4 – Council’s power of appointment

WHEREAS, the current Charter language regarding the Council’s power of appointment of non-administrative officers and employees is unclear and confusing. NOW, THEREFORE, this Proposition shall revise Article 2, Section 2-4(5) to clarify that the Council has the general power to appoint any necessary commission and boards to assist the Council in the performance of its duties.

First, if Proposition 4 is approved by the voters on May 6, 2023, Article 2, Section 2-4(5) of the Tulia City Charter shall thereafter read as follows:

(5) To appoint the necessary commissions and boards to assist the council in the performance of its duties and responsibilities, such powers subject to the restrictions of this charter and the laws of the State of Texas.

Section Affected: Article 2, Section 2-4(5).

Ballot Text:

PROPOSITION No. 4

To amend Article 2, Section 2-4(5) of the Tulia City Charter to clarify that the Council has the general power to appoint any necessary commission and boards to assist the Council in the performance of its duties.

_____ FOR

_____ AGAINST

Proposition No. 5 – City Secretary

WHEREAS, in Article 2, Section 2-6, the Charter provides that “the city treasurer shall be the ex officio city secretary unless the council provides by ordinance that the council shall elect the city secretary,” and then provides for the duties of a City Secretary, and WHEREAS this section needs

to be updated to better reflect current practices, and to provide that the appointment of the City Secretary be done by the City Manager subject to the approved by the City Council. NOW, THEREFORE, this Proposition shall amend and update this section to conform duties and powers of the City Secretary to better reflect current practices and to provide that the City Manager appoint the City Secretary subject to approval by the City Council.

If Proposition No. 5 is approved by the voters on May 6, 2023, Section 2-6 of Article 2 of the Tulia City Charter shall thereafter read as follows:

The City Manager shall appoint, subject to approval by the City Council, a City Secretary. The City Secretary shall attend all meetings of the City Council and keep accurate minutes of its proceedings. The City Secretary shall preserve and keep in order all books, papers, documents, records, and files of the City Council and of the executive departments. The City Secretary shall keep a record of all commissions and licenses issued and shall countersign same. The City Secretary shall have custody of the seal of the city and shall perform such other duties as the City Manager shall assign or as elsewhere provided for in this Charter or as required by law. The City Secretary may be removed from office by the City Manager, subject to approval by a majority of the City Council.

Section affected: Article 2, Section 2-6

Ballot text:
PROPOSITION No. 5

To amend Article 2, Section 2-6 of the Tulia City Charter to conform duties and powers of the City Secretary to better reflect current practices and to provide that the City Manager appoint the City Secretary subject to approval by the City Council.

_____ FOR

_____ AGAINST

Proposition No. 6 – City Council Meetings

WHEREAS, Section 2-7 of Article 2 of the City Charter has details for calling special meetings, the conduct of council meetings, and the availability of Council’s journal of proceedings; and WHEREAS, such matters are now provided for in the Texas Open Meetings Act and Texas Public Information Act. NOW, THEREFORE, this Proposition would change the required number of council members to call a special meeting from three to two, add a specific reference to the Texas Open Meetings Act to provide that all meetings will be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute, and would clarify that the journal of the Council’s proceedings shall be available to the public in accordance with the Texas Public Information Act, as amended, or successor statute.

If Proposition No. 6 is approved by the voters on May 6, 2023, Section 2-7 of Article 2 of the Tulia City Charter shall thereafter read as follows:

The council shall hold at least one regular meeting every month, at such time as it may prescribe by ordinance. The mayor or any two councilmen may call special meetings. All meetings of the council must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute, and the journal of its proceedings shall be available to the public pursuant to the Public Information Act of the State of Texas, as may be amended from time to time, or successor statute.

Section affected: Article 2, Section 2-7.

Ballot text:

PROPOSITION No. 6

To amend Article 2, Section 2-7 of the Tulia City Charter to change the required number of council members to call a special meeting from three to two, add a specific reference to the Texas Open Meetings Act to provide that all meetings will be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute, and would clarify that the journal of the Council's proceedings shall be available to the public in accordance with the Texas Public Information Act, as amended, or successor statute.

_____ FOR

_____ AGAINST

Proposition No. 7 – Vacancies on City Council

WHEREAS, the Charter currently provides that a vacancy in the City Council be filled by appointment by majority vote of the remaining Council members but if not enough councilmembers remain to constitute a quorum, then the Governor shall appoint enough Council members to constitute a quorum, and WHEREAS prudent practice would allow the Council discretion to appoint a successor in the event of a vacancy with less than one year remaining in a term while requiring that the Council appoint a successor in the event of a vacancy of more than one year to serve until the next regular city election at which time the position will be placed on the ballot for the unexpired term, and WHEREAS, applicable state law requires a special election if two or more vacancies occur at one time. NOW, THEREFORE, this amendment would amend this section of the Charter by providing that a vacancy in the City Council of under one (1) year shall be filled by majority vote of the remaining members of the City Council, that a vacancy of over one (1) year shall be filled by appointment until the next regular city election at which time a special election for the unexpired term shall be conducted in accordance with state law, and a special election shall be called if two or more vacancies occur at one time.

If Proposition 7 is approved by the voters on May 6, 2023, Section 2-9 of Article 2 of the Tulia City Charter shall thereafter read as follows:

A vacancy occurring in the Council, including the office of mayor, shall be filled by a person having the qualifications of an elective official of the city and selected in the following manner: If a single vacancy occurs and the Council member's seat which is vacated has less than one year remaining, then the Council may appoint a successor to serve the remainder of the term. If the position that is vacated has more than one year remaining, then the Council shall appoint a successor to serve until the next regular city election at which time the position will be placed on the ballot for the unexpired term. If two or more vacancies occur at one time, a special election shall be called by the remaining members of the Council in accordance with the Election Code to fill the vacancies for the unexpired terms.

Section affected: Article 2, Section 2-9.

Ballot Text:

PROPOSITION No. 7

To amend Article 2, Section 2-9 of the Tulia City Charter by providing that a vacancy in the City Council of under one (1) year may be filled by majority vote of the remaining members of the City Council, that a vacancy of over one (1) year shall be filled by appointment until the next regular city election at which time a special election for the unexpired term shall be conducted in accordance with state law, and that if two or more vacancies occur at one time, a special election shall be called by the remaining members of the Council in accordance with the Election Code to fill the vacancies for the unexpired terms.

_____ FOR

_____ AGAINST

Proposition No. 8 – Quorum of City Council and Council Rules

WHEREAS, Section 2-10 of Article 2 of the City Charter provides for Council procedures regarding quorum, rules, and voting that are outdated and not currently being practice; NOW, THEREFORE, this Proposition would clarify the requirements for a quorum and voting by the Council.

If Proposition No. 8 is approved by the voters on May 6, 2023, Section 2-10 of Article 2 of the Tulia City Charter shall thereafter read as follows:

A majority of all of the members of the council shall constitute a quorum for the transaction of any business, and the affirmative vote of a majority of such quorum shall be sufficient

and necessary to adopt or repeal any ordinance, resolution, or other action by the council, except as may be required by applicable state law. The council may determine its own rules. The vote on any question shall be taken by “Yea” or “Nay” vote and entered in the journal.

Section affected: Article 2, Section 2-10.

Ballot text:
PROPOSITION No. 8

To amend Article 2, Section 2-10 of the Tulia City Charter to clarify the requirements for a quorum and voting by the Council.

_____ FOR

_____ AGAINST

Proposition No. 9 – Passage and Publication of Ordinances

WHEREAS, the Charter requires that ordinances must be read in full or by title, that the Council shall vote by roll call vote, and that ordinances required to be published must be published in a newspaper of general circulation in the City, and WHEREAS the newspaper business continues to change because of the internet. NOW, THEREFORE, this Proposition would provide updated requirements for the introduction of ordinances, voting practices, and publication procedures for Ordinances requiring publication.

If Proposition No. 9 is approved by the voter on May 6, 2023, Section 2-12 of Article 2 of the Tulia City Charter shall thereafter read as follows:

- (a) Every proposed ordinance shall be introduced to the City Council in writing or printed form. The vote on final passage of every ordinance shall be taken by “Yea” or “Nay” vote and shall be entered in the journal. The mayor shall have no power of veto.
- (b) Within ten days after its passage, every ordinance imposing a penalty for violation of any of its provisions and every other ordinance required to be published by general law of the state or this charter, shall be published by descriptive caption or title, stating in summary the purpose of the ordinance and the penalty for violation thereof if any, in a newspaper of general circulation within the city or shall be submitted to the City’s publisher for codified ordinances, and shall take effect upon publication unless the ordinance or this charter specifies a later time. Every other ordinance shall take effect upon its final passage unless the ordinance or this charter specifies a later time.

Section Affected: Article 2, Section 2-12.

Ballot Text:
PROPOSITION No. 9

To amend Article 2, Section 2-12 of the Tulia City Charter to provide updated requirements for the introduction of ordinances, voting practices, and publication procedures for Ordinances requiring publication.

_____ FOR

_____ AGAINST

Proposition No. 10 – City Manager

WHEREAS, Article 3, Section 3-1(a) and (b) provide for the appointment, term, qualifications, and removal of the City Manager; and WHEREAS, some of these provisions are outdated or unclear; NOW, THEREFORE, this proposition would update Article 3, Section 3-1(a) and (b) to more clearly detail the appointment, qualifications, compensation, and removal of the City Manager, including specifically that any newly appointed City Manager shall be resident of the City within 90 days of his/her appointment as City Manager and that the Council may remove the City Manager from office by affirmative vote of a majority of the City Council.

If Proposition 10 is approved by the voters on May 6, 2023, Article 3, Section 3-1(a) and (b) of the Tulia City Charter shall thereafter read as follows:

(a) The City Council shall appoint a City Manager by a vote of a majority of all its members. The City Manager shall be chosen solely based on the City Manager's executive and administrative training and qualifications. Within 90 days of his/her appointment as City Manager, the newly appointed City Manager shall be a resident of the City of Tulia. Neither the mayor nor any other councilman may be appointed city manager or acting city manager during his term nor within two years after the expiration of his term.

(b) Except as may be modified by an Employment Contract entered between the City and the City Manager, the following provisions apply to the term and compensation of the City Manager: The City Manager shall be appointed for an indefinite term and receive compensation as may be fixed by the Council. The Council may by affirmative vote of a majority of the City Council take action to remove the City Manager from office. The action of the Council in removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council.

Sections Affected: Article 3, Section 3-1(a) and (b).

Ballot Text:
PROPOSITION No. 10

To amend Article 3, Section 3-1(a) and (b) of the Tulia City Charter regarding the appointment, qualifications, terms and salary, and removal of the City Manager.

_____ FOR

_____ AGAINST

Proposition No. 11 – City Treasurer updated to be Finance Director

WHEREAS, the Charter states that the department of finance is led by a city treasurer and references the city treasurer in various sections; and WHEREAS, this position is now done called the Finance Director; NOW, THEREFORE, this Proposition shall replace any reference to city treasurer with Finance Director.

If Proposition No. 11 is approved by the voters on May 6, 2023, the references to city treasurer in the following sections shall thereafter read Finance Director:

Sec. 3-4. Administrative departments, offices, and agencies

Sec. 4-1. Department of finance; Finance Director

Sec. 5-5. Tax assessor and collector to deposit taxes with Finance Director

Sec. 12-4. Bonds of officers and employees

Sec. 12-6. Who may administer oaths and affirmations

Sections affected: Article 3, Section 3-4; Article 4, Section 4-1; Article 5, Section 5-5; Article 12, Sections 12-4 and 12-6.

Ballot text:
PROPOSITION No. 11

The amendment to replace all references in the City Charter to city treasurer with the current position of Finance Director.

_____ FOR

_____ AGAINST

Proposition No. 12 – Purchasing

WHEREAS, Article 4, Section 4-2(b) of the Charter requires competitive bidding for any purchase of, or contract for, any supplies, materials, or equipment, or the sale of any surplus property held by the City; and WHEREAS, such a requirement is outdated and hinders the efficient operation of City government and services; NOW, THEREFORE, this proposition would remove the reference to the sale of any surplus property and update Article 4, Section 4-2(b) to clearly provide that the City of Tulia will comply with all applicable purchasing and procurement laws when expending public funds.

If Proposition 12 is approved by the voters on May 6, 2023, Article 4, Section 4-2(b) of the Tulia City Charter shall thereafter read as follows:

(b) Any purchase made or contract entered into by the City of Tulia shall be in accordance with the laws of the State of Texas as the same now exist or as they may be amended from time to time, or as provided by City ordinance when not in conflict with State law.

Section affected: Article 4, Section 4-2(b).

Ballot text:
PROPOSITION No. 12

To amend Article 4, Section 4-2(b) of the Tulia City Charter to remove the reference to the sale of surplus property and clearly provide that the City of Tulia will comply with all applicable state purchasing and procurement laws and ordinances when expending public funds.

_____ FOR

_____ AGAINST

Proposition No. 13 – Purchases for Public Improvements

WHEREAS, Article 4, Section 4-4 of the Charter has an outdated amount and outdated language related to the public improvements purchasing procedures and contracts to be followed by the City; NOW, THEREFORE, this proposition would update Article 4, Section 4-4 to clearly provide that the City of Tulia will comply with all applicable purchasing and procurement laws when expending public funds for public improvements.

If Proposition 13 is approved by the voters on May 6, 2023, Article 4, Section 4-4 of the Tulia City Charter shall thereafter read as follows:

Public improvements may be made by the city government itself or by contract. Any purchase made or contract entered into by the City of Tulia for public improvements shall be in accordance with the laws of the State of Texas as the same now exist or as they may

be amended from time to time, or as provided by City ordinance when not in conflict with State law.

Section affected: Article 4, Section 4-4.

Ballot text:
PROPOSITION No. 13

To amend Article 4, Section 4-4 of the Tulia City Charter to clearly provide that the City of Tulia will comply with all applicable state purchasing and procurement laws and ordinances when expending public funds for public improvements.

_____ FOR

_____ AGAINST

Proposition No. 14 – Annual Audit

WHEREAS, Article 4, Section 4-5 of the Charter requires an annual audit “of the accounts and evidences of the department of finance, of the department of taxation, and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions,” and WHEREAS, the department of taxation is no longer functioning, and WHEREAS, the City desires to make clear that the annual audit applies to all departments and “all records and financial transactions of the administration of the affairs of the city”; NOW, THEREFORE, this proposition would update Article 4, Section 4-5 to provide that the annual audit will apply to all departments and “all records and financial transactions of the administration of the affairs of the city.”

If Proposition 14 is approved by the voters on May 6, 2023, Article 4, Section 4-5 of the Tulia City Charter shall thereafter read as follows:

The council shall designate a certified public accountant or firm of such accountants who shall make an independent audit of the accounts and evidences of all records and financial transactions of the administration of the affairs of the city, including specifically the department of finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager.

Section affected: Article 4, Section 4-5.

Ballot text:
PROPOSITION No. 14

To amend Article 4, Section 4-5 of the Tulia City Charter provide that the annual audit will apply to all departments and “all records and financial transactions of the administration of the affairs of the city.”

_____ FOR
_____ AGAINST

Proposition No. 15 – Repeal of Department of Taxation – Repeal

WHEREAS, the Charter creates a Department of Taxation, and WHEREAS, such a Department is not functioning in any manner and is no longer necessary as the City’s Finance Department, the County Appraisal District, or another appropriate entity now performs the functions previously performed by the Department of Taxation; and WHEREAS, this provision should be repealed to conform with current practice; NOW, THEREFORE, this Proposition shall repeal and delete Article 5, Section 5-1, and remove other references to the department of taxation in accordance with the repeal of Article 5, Section 5-1.

First, if Proposition No. 15 is approved by the voters on May 6, 2023, Section 3-4 of Article 3 of the Tulia City Charter shall thereafter read as follows:

There shall be a department of finance headed by a Finance Director and such other administrative departments, offices, and agencies as the council may establish.

Second, if Propositions No. 14 and No. 15 are approved by the voters on May 6, 2023, Section 4-5 of Article 4 of the Tulia City Charter shall thereafter read as follows:

The council shall designate a certified public accountant or firm of such accountants who shall make an independent audit of the accounts and evidences of all records and financial transactions of the administration of the affairs of the city, including specifically the department of finance and of all other departments, offices, and agencies keeping separate or subordinate accounts or making financial transactions, as of the end of every fiscal year at least, and who shall report to the council and to the city manager.

Finally, if Proposition No. 15 is approved by the voters on May 6, 2023, Section 5-1 of Article 5 of the Tulia City Charter shall thereafter read as follows:

Sec. 5-1. Repealed

Sections affected: Article 3, Section 3-4; Article 4, Section 4-5; Article 5, Section 5-1.

Ballot text:
PROPOSITION No. 15

The amendment to repeal Article 5, Section 5-1 (Department of Taxation) of the Tulia City Charter, and to remove other references to the department of taxation in accordance with the repeal of Article 5, Section 5-1.

____ FOR
____ AGAINST

Proposition No. 16 – City assessor and collector

WHEREAS, the Charter provides for a city assessor and collector; and WHEREAS, this position is no longer functioning or necessary as such duties are performed by the Appraisal District or another appropriate entity or person; NOW, THEREFORE, this Proposition shall delete all references to a city assessor and collector and instead reference that such duties are to be performed by the person or entity performing the functions of tax assessor and collector.

If Proposition No. 16 is approved by the voters on May 6, 2023, the following sections shall thereafter read as follows:

Sec. 3-4. There shall be a department of finance headed by a Finance Director and such other administrative departments, offices, and agencies as the council may establish.

Sec. 4-4(a). A lien is hereby created on all property, real, personal, or mixed, in favor of the city for all taxes, ad valorem, occupation, or other. Said lien shall exist from January 1 in each year until the taxes are paid. Such lien shall be prior to all other claims except as may be otherwise provided by law; and no gift, sale, assignment, or transfer of any kind, or judicial writ of any kind, can ever defeat such lien; but the person or entity performing the functions of tax assessor and collector may pursue such property, and whenever found, may seize and sell enough thereof to satisfy such taxes, penalty, interest, and costs.

Sec. 5-5. Tax assessor and collector to deposit taxes with Finance Director. The person or entity performing the functions of tax assessor and collector shall promptly deposit with the Finance Director, or for the Finance Director in an appropriate account or accounts maintained by the Finance Director in a depository or depositories, all taxes and other money which he collects or receives.

Sec. 12-4. The city manager, the Finance Director, and such other officers and employees as the council may designate, before entering upon their duties, shall provide bonds for the faithful performance of their respective duties, payable to the city, in such form and in such amounts as the council may prescribe, with a surety company authorized to operate within the state. The city shall pay the premiums on such bonds.

Sec. 12-6. All officers authorized by federal or state law, the mayor, the city manager, the city secretary, the Finance Director, the judge of the municipal court, the chairman of the

board of equalization, and such other officers as the council may authorize, may administer oaths and affirmations in any matter pertaining to the affairs and government of the city.

Sections affected: Article 3, Section 3-4; Article 4, Section 4-4(a); Article 5, Section 5-5; Article 12, Sections 12-4 and 12-6.

Ballot text:
PROPOSITION No. 16

The amendment to delete all references to a city assessor and collector and instead reference that such duties are to be performed by the person or entity performing the functions of tax assessor and collector.

_____ FOR

_____ AGAINST

Proposition No. 17 – Fiscal Year

WHEREAS, in Article 6, Section 6-1(a), the Charter provides that the City’s fiscal year begins on the first day of April and ends on the last day of March of every calendar year unless the council by ordinance changes the fiscal year; and the City has operated on a typical fiscal year of October 1 to September 30; NOW, THEREFORE, this Proposition shall amend the fiscal year to conform to current practice by providing that the fiscal year shall go from the first day of October and shall end on the last day of September.

If Proposition 17 is approved by the voters on May 6, 2023, Article 6, Section 6-1(a) of the Tulia City Charter shall thereafter read as follows:

- (a) The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of every calendar year unless the council by ordinance changes the fiscal year. The council may adopt an interim budget and make appropriations from available revenues for any interim period resulting from a change in the fiscal year.

Section Affected: Article 6, Section 6-1(a).

Ballot Text:
PROPOSITION No. 17

To amend Article 6, Section 6-1(a) of the Tulia City Charter to provide that the fiscal year shall go from the first day of October and shall end on the last day of September.

_____ FOR

_____ AGAINST

Proposition No. 18 – Municipal Court Judge

WHEREAS, Article 9, Section 9-1(b) of the Charter provides details regarding the appointment of the Municipal Court Judge for an indefinite term but the Charter does not provide how the Municipal Court Judge's compensation is set; and WHEREAS, the Charter does not provide for removal of the Municipal Court Judge under certain situations nor for the appointment of a temporary judge to serve when the regular judge is not able or available; NOW, THEREFORE, this proposition shall revise Article 9, Section 9-1(b) related to the Municipal Court to update provisions for the term and removal of the Municipal Court Judge, and appointment of a temporary judge if the regular judge is temporarily unable to act.

If Proposition 18 is approved by the voters on May 6, 2023, Section 9-1(b) of Article 9 of the Tulia City Charter shall thereafter read as follows:

(b) The municipal court shall be presided over by the judge of the municipal court, who shall be appointed by a majority vote of the Council for a definite period of time not less than two years and not more than four years, at such salary as may be fixed by the Council. The salary and the period for which the judge is appointed shall be fixed by the Council at the time of the judge's appointment. The judge cannot be discharged by the Council during such period except for malfeasance in office, conviction of a felony or conviction of a misdemeanor involving moral turpitude, nor may the Council reduce the judge's compensations fixed for the tenure of service during the term for which the judge was appointed. The City Council by ordinance may provide for the appointment of one (1) or more judges to serve if the regular judge is temporarily unable to act.

Sections Affected: Article 9, Section 9-1(b).

Ballot Text: PROPOSITION No. 18

To amend Article 9, Section 9-1(b) of the Tulia City Charter to update provisions for the term and removal of the Municipal Court Judge, and appointment of a temporary judge if the regular judge is temporarily unable to act.

_____ FOR

_____ AGAINST

Proposition No. 19 – Election Day

WHEREAS, in Article 10, Section 10-1(a), the Charter specifies a precise day for Election Day; and State Law supersedes this Charter provision and the Texas Election Code now mandates all election dates and time periods for all activities related to conducting any election and the state mandated times and dates are subject to change by the Legislature; NOW, THEREFORE, this Proposition shall remove and amend the precise day for Election Day and instead specify that Election Day shall be held on uniform election days prescribed by State Law.

If Proposition 19 is approved by the voters on May 6, 2023, Article 10, Section 10-1(a) of the Tulia City Charter shall thereafter read as follows:

- (a) The city shall hold a regular city election, also called general election, on the uniform election day prescribed by state law. The mayor and other councilmen shall be the only city officers elected by the qualified voters of the city.

Section Affected: Article 10, Section 10-1(a).

Ballot Text:
PROPOSITION No. 19

To amend Article 10, Section 10-1(a) of the Tulia City Charter to remove and amend the precise day for Election Day and instead specify that Election Day shall be held on uniform election days prescribed by State Law.

____ FOR
____ AGAINST

Proposition No. 20 – Filing for Office

WHEREAS, in Article 10, Section 10-2, the Charter specifies exact time periods for filing for office and the Texas Election Code has superseded this Section; NOW, THEREFORE, this Proposition shall remove the outdated timeframe and amend this section to provide that filing for office shall be done in accordance with the Texas Election Code, as amended.

If Proposition 20 is approved by the voters on May 6, 2023, Article 10, Section 10-2 of the Tulia City Charter shall thereafter read as follows:

- (a) Any qualified person may have his name placed on the ballot for the election as a candidate for mayor or other councilman by filing with the city secretary a sworn application to have his name placed on the ballot, specifying the office for which he is filing, in accordance with the Texas Election Code, as amended. Such application shall also contain a statement by the candidate that he is fully qualified under the laws of this state and this charter for the office which he seeks.

Section Affected: Article 10, Section 10-2.

Ballot Text:
PROPOSITION No. 20

To amend Article 10, Section 10-2 of the Tulia City Charter to remove the outdated timeframe for filing for office and amend this section to provide that filing for office shall be done in accordance with the Texas Election Code, as amended.

____ FOR
____ AGAINST

Proposition No. 21 – Election Returns

WHEREAS, in Article 10, Section 10-5, the Charter details that the election returns shall happen “within four days after every municipal election, Sunday, excepted,” and the Texas Election Code has superseded this Section; NOW, THEREFORE, this Proposition shall remove the outdated timeframe and amend this section to provide that the returns of every municipal election shall be handled in accordance with the Texas Election Code, as amended.

If Proposition 20 is approved by the voters on May 6, 2023, Article 10, Section 10-5 of the Tulia City Charter shall thereafter read as follows:

- (a) The returns of every municipal election shall be handled in accordance with the Texas Election Code, as amended. These returns shall be delivered from the election judges to the City Secretary or the Mayor at City Hall as soon as possible after the closing of the polls. Election returns, general and special, shall be canvassed and the results declared by the City Council in accordance with the Texas Election Code, as amended.

Section Affected: Article 10, Section 10-5.

Ballot Text:
PROPOSITION No. 21

To amend Article 10, Section 10-5 of the Tulia City Charter to remove the outdated timeframe for canvassing returns and amend this section to provide that the returns of every municipal election shall be handled in accordance with the Texas Election Code, as amended.

____ FOR
____ AGAINST

Proposition No. 22 – Political activity of officers and employees – Repeal

WHEREAS, Article 11, Section 11-10, the Charter restricts the political activity of the City's officers and employees, and such conduct is better regulated through other means, especially the City's personnel policies. NOW, THEREFORE, this Proposition shall repeal and delete Article 10, Section 10-9.

If Proposition No. 22 is approved by the voters on May 6, 2023, Section 10-9 of Article 10 of the Tulia City Charter shall thereafter read as follows:

Sec. 10-9. Repealed

Section affected: Article 10, Section 10-9.

Ballot text:

PROPOSITION No. 22

The amendment to repeal Article 10, Section 10-9 (political activity of officers and employees) of the Tulia City Charter.

_____ FOR

_____ AGAINST

Proposition No. 23 – Timing for Special Elections (Initiative, Referendum, and Recall Elections)

WHEREAS, in Article 11, Section 11-10 (Initiative and Referendum) and Article 11, Section 11-14 (Recall), the Charter specifies exact time periods for these types of Special Elections; However, State Law supersedes these Charter provisions and the Texas Election Code now mandates all election dates and time periods for all activities related to conducting any election and the state mandated times and dates are subject to change by the Legislature; NOW, THEREFORE, this Proposition shall remove and amend specified time periods for such elections and instead outline a general requirement specifying that all aspects of such elections shall occur on the next available date that is allowed or required by State Law.

First, if Proposition 23 is approved by the voters on May 6, 2023, Article 11, Section 11-10(d) of the Tulia City Charter shall thereafter read as follows:

(d) If the council fails to pass an ordinance proposed by initiative petition, or passes it in a form different from that set forth in the petition therefor, or if the council fails to repeal a referendum ordinance, then the council shall submit the initiative or referendum ordinance to the qualified voters at an election to be held on the next available uniform election date for which the City may meet all statutory deadlines.

Second, if Proposition 23 is approved by the voters on May 6, 2023, Article 11, Section 11-14 of the Tulia City Charter shall thereafter read as follows:

In the case of a recall petition certified to the council as sufficient by the city secretary, if the officer whose removal is sought does not resign within five days after the council receives the petition and certificate of the city secretary, the council shall thereupon submit the question of removing the officer to the qualified voters at an election to be held on the next available uniform election date for which the City may meet all statutory deadlines. If the officer sought to be recalled resigns at any time before the day of the recall election, the council by ordinance may cancel the recall election.

Sections affected: Article 11, Section 11-10(d) and Article 11, Section 11-14.

Ballot Text:
PROPOSITION No. 23

To amend Article 11, Section 11-10(d) (Initiative and Referendum), and Article 11, Section 11-14 (Recall) of the Tulia City Charter to remove and amend specified time periods for initiative, referendum, and recall elections and instead outline a general requirement specifying that such elections shall occur on the next available date that is allowed or required by State Law.

_____ FOR

_____ AGAINST

Proposition No. 24 – Franchise Ordinances

WHEREAS, the Charter requires that one reading of every franchise ordinances be in full and that the full text of the Ordinance be published once in a newspaper of general circulation in the city; NOW, THEREFORE, this Proposition would remove these requirements and instead provide for the publication of the caption and making the full text thereof to be publicly available at City Hall and published on the City's website.

If Proposition No. 24 is approved by the voter on May 6, 2023, Section 14-4 of Article 14 of the Tulia City Charter shall thereafter read as follows:

Every ordinance granting, renewing, extending, or amending a public-utility franchise shall be read at least two regular meetings of the council; and shall not be finally acted upon until thirty (30) days after the first reading thereof. Within ten (10) days following the first reading and following final passage of the ordinance, the caption thereof shall be published one time in a newspaper of general circulation within the city, and the full text thereof shall be publicly available at City Hall and published on the City's website. No such ordinance

shall become effective until the expiration of thirty (30) days following the date of its final passage by the council, and every such ordinance shall be subject to the referendum procedures provided by state law and this charter.

Section Affected: Article 14, Section 14-4.

Ballot Text:

PROPOSITION No. 24

To amend Article 14, Section 14-4 of the Tulia City Charter to provide updated requirements for the reading and publication of franchise ordinances, including requiring that the full text of any franchise ordinances be made publicly available at City Hall and published on the City's website.

_____ FOR

_____ AGAINST

Proposition No. 25 – Notice of injury or damage

WHEREAS, the Charter has some outdated requirements for individuals who seek to bring a claim or suit against the City which are inconsistent with current state law. NOW, THEREFORE, this proposition shall amend the Charter by updating the section regarding notice and provisions for damage suits to be consistent with current State Law.

If Proposition 25 is approved by the voters on May 6, 2023, Section 15-1(a) and Section 15-1(b) of Article 15 of the Tulia City Charter shall thereafter read as follows:

(a) Before the City shall be liable to damage claim or suit for injury of one's person or property or death, the person who is injured or whose property is damaged or the person claiming damages from the death or someone on his or her behalf shall give the City Secretary notice in writing within one hundred eighty (180) days after the occurring of the alleged injury or damage, stating specifically in such notice when and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for injury to one's person or property prior to the expiration of ninety (90) days from the date of the notice hereinabove described has been provided to the City Secretary. Provided, however, that nothing herein contained shall be construed to mean that the City of Tulia waives any rights, privileges, defenses, or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

(b) Repealed.

Section Affected: Article 15, Sec. 15-1(a) and (b).

Ballot Text:
PROPOSITION No. 25

To amend Article 15, Section 15-1(a) and (b) of the Tulia City Charter to update the notice of injury or damage provisions for claims or suits brought against the City.

_____ FOR

_____ AGAINST

Proposition No. 26 – Masculine and Feminine

WHEREAS, the Charter was drafted using masculine gender references exclusively and such vocabulary is outdated; NOW, THEREFORE, this proposition shall amend the Charter by adding Section 15-5 to Article 15 to provide that “words used to express masculine gender shall be construed to include the feminine.”

Section affected: Article 15, Section 15-5.

Ballot Text:
PROPOSITION No. 26

To add a Section 15-5 to Article 15 of the Tulia City Charter which would read as follows: “Throughout this charter, words used to express masculine gender shall be construed to include the feminine.”

_____ FOR

_____ AGAINST

SECTION 2. That the City Secretary is authorized to alter the ballot format as may be necessary to accommodate electronic or other form of balloting.

SECTION 3. That the City Secretary is expressly authorized to obtain election supplies, pay election officials, contract for some or all election duties and services, in accordance with the adopted budget, applicable law, and any joint election agreements.

SECTION 4. The election shall be held on May 6, 2023, at _____ (location), _____ (address), Tulia, Texas. Polls will be open on May 6, 2023, between the hours of 7:00 a.m. and 7:00 p.m. Early voting by personal appearance will be conducted each weekday at the at _____ (location), _____ (address), Tulia, Texas, between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 24, 2023, and ending on May 2, 2023. Applications for ballot by mail shall be requested from and mailed

to: City of Tulia, ATTN: City Secretary, at PO Box 847, Tulia, Texas 79088-0847. Applications for ballot by mail must be received no later than close of business on April 25, 2023.

SECTION 5. All qualified voters of the City shall be permitted to vote at said election. Notwithstanding any provisions to the contrary in this ordinance, the election shall be held and conducted in accordance with the Texas Election Code and the Voting Rights Act of 1965, as amended, and as may otherwise be required by law.

SECTION 6. The form of the notice prescribed by the Texas Secretary of State's Office shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be given by publishing it and posting it in accordance with Section 4.003, of the Texas Election Code.

SECTION 7. The Mayor, the Mayor Pro Tem, the City Manager, and the City Secretary, or any one of them, are authorized on behalf of the City Council to evidence adoption of this Ordinance and to do all other things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent of this Ordinance.

SECTION 8. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by a court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall not be affected thereby.

SECTION 9. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION 10. The City Council officially finds, determines, and declares that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code. Procedures of Chapter 9 of the Texas Local Government Code.

SECTION 11. Effective Date. This ordinance is effective upon passage according to law.

INTRODUCED, PASSED, APPROVED, AND ADOPTED on this 14th day of February 2023.

CITY OF TULIA, TEXAS

Dusty George, Mayor

ATTEST:

Kristina Solomon, City Secretary

RESOLUTION 2023-01

WHEREAS, the City of Tulia is applying for grant assistance under the Texas Downtown Revitalization Program operated by the Texas Department of Agriculture, and;

WHEREAS, the City of Tulia has completed the Request for Proposals process required under the Professional Services Procurement Act, and has ranked those firms submitting proposals based upon qualifications and ability to perform, and;

WHEREAS, the City of Tulia believes that **PARKHILL** is the most qualified of those proposing firms to perform the desired services, and;

WHEREAS, the City of Tulia is desirous to use the services of **PARKHILL** to serve as a project engineer for the Downtown Revitalization Program Community Development Block Grant (CDBG) Application, and, if funded, further negotiations for project engineering will occur under this agreement,;

WHEREAS, the City of Tulia and **PARKHILL** will enter into a contractual agreement for engineering services for the development of a CDBG Application and, if funded, further negotiations for project engineering will occur under this agreement.

NOW THEREFORE BE IT RESOLVED that the City of Tulia has selected **PARKHILL** to provide engineering services for the City's participation in the CDBG Program and hereby authorizes the City Administrator to execute any and all documents to effectuate said engineering services contract.

PASSED THIS 14TH DAY OF FEBRUARY, 2023.

Mayor

Attest:

City Secretary, Kristina Solomon

INTERGOVERNMENTAL AGREEMENT BETWEEN SWISHER COUNTY AND CITY OF TULIA REGARDING HOUSING OF CITY OF TULIA MUNICIPAL INMATES IN THE SWISHER COUNTY JAIL

THE STATE OF TEXAS

SWISHER COUNTY

CITY OF TULIA



KNOW ALL MEN BY THESE PRESENTS

The County of Swisher, Texas hereafter referred to as ‘SWISHER’ and the City of Tulia, Texas hereafter referred to as ‘TULIA’, enter into the following agreement concerning the incarceration of prisoners of TULIA and said agreement is set as follows.

1. A) SWISHER hereby agrees to house prisoners incarcerated by TULIA if space is available. The availability of the space shall be determined by the SWISHER County Sheriff in accordance with jail regulations set out by the Texas Commission on Jail Standards concerning the operation of jails and categories of prisoners.

B) SWISHER and TULIA hereby agree that SWISHER will not house any injured prisoner unless TULIA furnishes an acceptable medical release signed by medical personnel, certifying that the prisoner may be incarcerated. Medical release shall be confirmed by SWISHER staff.

C) The fee for housing said prisoners shall be at the rate of **\$50.00** per day, per prisoner, and SWISHER shall bill TULIA monthly for said cost by an itemized statement showing the number of days per each individual prisoner. When a TULIA inmate is booked into jail after 12:00 PM, TULIA will be charged **\$50.00** for the initial 12-hour period following, and **\$50.00** for the following 24 hour period thereafter.
2. TULIA will pay for all hospital, health care services and prescription medications provided to any prisoners housed by SWISHER for TULIA. Nonprescription medications will be administered without charge by SWISHER for indigent inmates.
3. TULIA agrees to comply with all booking procedures of SWISHER. SWISHER agrees to furnish TULIA with a copy of the required forms and procedures.
4. SWISHER further agrees that should a prisoner be injured while being housed by SWISHER that SWISHER will within ten (10) hours notify TULIA of said injury and provide TULIA with copies of all incident report(s) relating to said injury.
5. The Swisher County Sheriff reserves the right to refuse or remove any inmate from the Swisher County Law Jail. TULIA shall promptly arrange to take custody of its prisoner(s) if so, requested by the Swisher County Sheriff.

6. TULIA shall be fully responsible and liable for all suits, damages, losses, or expenses including reasonable attorney fees, but only regarding transfer of prisoner(s) by TULIA and duties herein assigned to TULIA, specifically excluding the actual incarceration of prisoners by SWISHER. TULIA retains full liability for each inmate until the inmate has been booked into the Swisher County Jail.
7. SWISHER shall be fully responsible and liable for all suits, damages, losses, or expenses including reasonable attorney fees arising out of SWISHER's performance or nonperformance of the services and duties herein stated, but only regarding the actual holding and incarceration of prisoners by SWISHER County Jail and specifically excluding the transfer of prisoner(s) by SWISHER County and specifically excluding the transfer of prisoners to and from TULIA unless transported by TULIA.
8. The term of agreement will be one (1) year commencing on the date signed below. It shall be automatically renewed thereafter unless either party gives notice of cancellation no less than sixty (60) days prior to the end of the contract term. Either party may seek to renegotiate this AGREEMENT no less than sixty (60) days prior to the end of the contract term.
9. SWISHER has agreed to assume responsibility for all transportation of TULIA prisoners housed in SWISHER with the following provisions.
 - A) In the event any TULIA prisoner must go to Swisher Memorial Hospital in Tulia, TULIA will either need to transport and furnish Officers to guard their prisoner or agree to pay SWISHER County at the rate of \$30.00 per hour per Officer, if the prisoner is admitted into the hospital for overnight observation or any extended hospital stay.
 - B) TULIA is responsible for all transportation of TULIA inmates housed in the Swisher County Jail. If SWISHER must transport any of TULIA inmates, TULIA will be required to pay for a second Officer at the rate of \$30.00 per hour. Swisher County will furnish one Officer at no charge. This is for Officer Safety.

ACCEPTED, APPROVED, and WITNESSED our hands on this the ____ day of _____, 2023

Executed by the Sheriff of Swisher County on this _____ day of _____, 2023

Kyle Schmalzried, Swisher County Sheriff

Executed by the Tulia Chief of Police on this _____ day of _____, 2023.

Paul Brown, Tulia Chief of Police

Swisher County

Approved as to Form and Substance:

Harold Keeter
County Judge, Swisher County, Tx.

J. Mike Criswell
County Attorney, Swisher County, Tx.

B.J. Potts
City Manager, City of Tulia, Tx.

Slater Elza
City Attorney, City of Tulia, Tx.

**TULIA/SWISHER COUNTY
MUTUAL AID LAW ENFORCEMENT AGREEMENT**

This Mutual Aid Law Enforcement Agreement, hereinafter called "Agreement", made and entered on the ____ day of January 2023 (the "Effective Date"), by and between the City of Tulia ("City"), a Texas home rule municipal corporation, and Swisher County, ("County"), a political subdivision of the State of Texas, hereinafter collectively referred to as "the Parties," acting under the authority of Chapter 362 of the Texas Local Government Code, concerning mutual law enforcement services provided through cooperation of the Parties to this Agreement.

WITNESSETH:

WHEREAS, the City and the County desire for law enforcement officers regularly employed by the each respective governmental unit to assist and support each other when necessary or beneficial for the benefit of City and County residents;

WHEREAS, historically the County through its Sheriff's office has traditionally provided law enforcement services in Swisher County outside of the city limits of Tulia, Texas while the City Police Department has traditionally provided law enforcement services within the city limits of Tulia, Texas.

WHEREAS, the Parties wish to enter into an agreement for mutual law enforcement services permitted under and pursuant to the Texas Local Government Code §§362.002 and 362.003; and

WHEREAS, the respective governing bodies of the Parties have consented to such an agreement; and

WHEREAS, the Parties believe it to be in their mutual best interests to enter into this Agreement;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

ARTICLE I

AGREEMENT

1.1 The purpose of this Agreement is to allow law enforcement officers regularly employed by the respective Parties to have certain extraterritorial police powers outside the officers' normal territorial jurisdiction as set forth above.

1.2 The Agreement between the respective parties shall include and allow for leadership, assistance, and cooperation from law enforcement officers regularly employed by the respective Parties with criminal investigations or other law enforcement activity being conducted by the other Party, including, when necessary, the use of personnel, crime scene, tactical, Special Weapons And Tactics (SWAT), or other units from the respective Parties, and may involve, execution of search and arrest warrants or any other activity related to law enforcement, upon request from the Sherriff or his designee and the Chief of Police or his designee.

ARTICLE II

TERM

2.1 This Agreement shall be effective on the Effective Date and shall continue through September 30, 2023, and shall thereafter be automatically renewed annually for successive one (1) year terms, unless otherwise terminated as provided herein.

2.2 Termination.

a) Either Party may terminate this Agreement at any time by giving the other Party a minimum of forty-five (45) days written notice.

b) In the event of a breach of this Agreement, the non-breaching Party may terminate this Agreement at any time after providing written notice of the breach to the other Party, and at least a thirty (30) day opportunity after such notification to correct the breach (the "Notice Period").

ARTICLE III

RESPONSIBILITY AND AUTHORITY

3.1 Responsibility. The Parties agree to accept responsibility for adhering to all pertinent federal, state, and local laws or regulations.

3.2 Authority. Each of the Parties assures the other Party, by its representative's signature, that it has entered into this Agreement by action of its respective governing body.

ARTICLE IV

ARTICLE DEFINITIONS

4.1 "Chief of Police" shall mean the Chief of Police of the City of Tulia.

4.2 "Department" means the Tulia Police Department and/or the Swisher County Sheriff's Department.

4.3 "Law enforcement officer" has the meaning assigned by Section 362.001, Local Government Code. The term includes a peace officer.

4.4 "Police power" means the lawful authority of a peace officer to carry a weapon, conduct an investigation, make a report, detain, arrest, execute a search or arrest warrant, or engage in other law enforcement conduct attendant to law enforcement, including traffic interdiction and any other general patrol activity.

4.5 "Sheriff" shall mean the Sheriff of Swisher County.

ARTICLE V

CONSIDERATION

5.1 As consideration for this Agreement, the Parties agree to perform the mutual covenants and conditions contained herein and to participate in the lawful activities addressed under this Agreement.

5.2 The Parties expressly agree that any money or property seized in connection with these law enforcement activities will be retained by the City when such property is seized within the city limits of Tulia, Texas and otherwise such property will be retained by Swisher, County.

ARTICLE VI

COMPENSATION AND QUALIFICATION

6.1 Compensation. The Parties agree that each Party shall provide for the compensation of each law enforcement officer regularly employed by such Party.

6.2 Qualifications for Office. The Parties agree that qualification for office in the City constitutes qualification for office in the County. The Parties agree that qualification for office in the County constitutes qualification for office in the City. The Parties further agree that no additional oath, bond, or compensation is needed for any officer subject to this Agreement.

ARTICLE VII

JURISDICTION

7.1 Police Powers Authorized. The Parties agree that any law enforcement officers, when performing activities under this Agreement, shall exercise police power only as that term is defined in section 1.2 of this Agreement.

7.2 Extraterritorial Arrest Notification. Any City officer making an extraterritorial outside of the city limits shall notify the County without delay. Upon notification, the County shall make available the notice of arrest in the same manner as if the arrest were made by a member of the Sheriff's Department.

7.3 Command. While exercising extraterritorial police power under this Agreement each City law enforcement officer performing such activities shall be under the command of the City and shall also have all the power of a regular law enforcement officer of the County.

7.4 Other Authority. Nothing in this Agreement limits the authority of a law enforcement officer to act under state law, including:

- a) the authority to make a citizen's arrest or an extraterritorial arrest authorized under Chapter 14, Code of Criminal Procedure, or other law; or
- b) the authority to take an action in the presence of and under the direction of or to assist another peace officer with appropriate territorial jurisdiction.

7.5 Case Records and Information. The Department with original jurisdiction shall be the entity responsible for maintaining records, responding to Public Information Act requests, and/or making voluntary media releases concerning any investigations or law enforcement activities initiated and/or conducted through the terms of this Agreement.

ARTICLE VIII

CONTINUATION OF TERRITORIAL AND INVESTIGATIVE JURISDICTION

8.01 Upon termination of this Agreement, the territorial and investigative jurisdiction of each law enforcement officer regularly employed by the Parties will revert to the appropriate jurisdiction otherwise provided by law or other agreement.

ARTICLE IX

AMENDMENTS

9.01 This Agreement may be amended only by the duly authorized mutual written agreement of the Parties.

ARTICLE X

LEGAL CONSTRUCTION

10.01 In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

ARTICLE XI

ENTIRE AGREEMENT

11.01 This Agreement supersedes any and all other conflicting agreements, either oral or in writing, between the Parties with respect to the subject matter hereof, and no other conflicting agreement, statement, or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

ARTICLE XII

NO JOINT ENTERPRISE

12.1 No Joint Enterprise. This Agreement is not intended to create a joint enterprise. By entering this Agreement, the Parties are undertaking a governmental function or service the purpose of which is to further the public good. The Parties do not jointly or severally have a pecuniary purpose or profit motive in executing or performing this Agreement.

12.2 Indemnity. To the extent allowed by law, each Party agrees to indemnify, defend, and hold harmless the other Party and its officials, council or commission members, employees and agents from any claims, or suits arising from the injury or death of any person, or damage to property, resulting from the intentional or negligent act or omission of the indemnifying Party's employee, officer, or agent arising from or related to said employee, officer or agent's participation in the operations of the Task Force. In no case shall the section be construed as waiving any immunity from prosecution or liability that may exist with respect to any of the Parties hereto or their respective officials, council or commission members, employees or agents.

12.3 Immunities. This Agreement shall not be construed to impair or affect any sovereign or governmental immunity or official immunity that may otherwise be available to the City, County or any officer, agent or employee of the City or County.

12.4 No Agency Relationship/Employee Status. Notwithstanding the Agreement of the Parties to cooperate in the purpose of the Task Force described herein, no employee or officer of any Party shall be authorized to act on behalf of, or in any way be deemed to be an agent of the other Party. In addition, notwithstanding the Agreement herein to cooperate in the purposes of the Task Force, and the existence of any command structure which may be established in order to facilitate the cooperation of the Parties, an employee or officer of either Party who is assigned to participate in the tasks defined herein, shall not at any time be deemed to be an employee of the other Party.

[SIGNATURE PAGE TO IMMEDIATELY FOLLOW]

SWISHER COUNTY, TEXAS

By: _____
Harold Keeter, County Judge

ATTEST:

CJ Chasco, District Clerk

SHERIFF

By: _____
Kyle Schmalzried, Sheriff

CITY OF TULIA, TEXAS

By: _____
Dusty George, Mayor

ATTEST:

Kristina Solomon, City Secretary

CHIEF OF POLICE

By: _____
Paul Brown, Chief of Police



RESOLUTION 2023-02

State of Texas

County of Swisher

Whereas, the Texas Comptroller of Public Accounts is authorized to provide purchasing services for local governments pursuant to §§ 271.082 and 271.083 of the Local Government Code;

and **WHEREAS**, the City Council
(e.g., Commissioner's Court, City Council, School Board, Board of Directors)

of City of Tulia Police Department, is a: (Check one of the following.)
(Name of Qualified Entity)

☐ County	☐ Independent School District
☒ Municipality	☐ Junior College District
☐ Political Subdivision (Utility, Appraisal Districts)	☐ Mental Health and Mental Disability Community Center
☐ State-funded Assistance Organization	☐ Housing and Transportation Authority

defined as an entity qualified to participate in the Texas SmartBuy Membership Program of the Texas Comptroller of Public Accounts pursuant to § 271.081 of the Local Government Code; and

WHEREAS, in accordance with the requirements of 34 TAC §20.85 administrative rules, the Agent(s) of Record,
Paul Brown Chief of Police
(Name of Person, primary contact) (Title)
(and Marcella Lopez Admin. Assistant) is/are authorized to execute
(Name of Person, secondary contact) (Title)

any and all documentation for Tulia Police Department pertaining to its participation in the Texas
(Entity Name)

Comptroller of Public Accounts Cooperative Purchasing Program; and

WHEREAS, Tulia Police Department acknowledges its obligation to pay annual participation fees
(Entity Name)

established by the Texas Comptroller of Public Accounts.

NOW, THEREFORE BE IT RESOLVED, that request be made to the Texas Comptroller of Public Accounts to approve
Tulia Police Department for participation in the Texas Comptroller of Public Accounts Cooperative Purchasing Program.
(Entity Name)

Adopted this 30 day of January, 2023 by Tulia Police Department
(Entity Name)

By: [Signature]
(Signature of Chair)
BJ Botts
(Printed Name)
City Manager
(Title of Chair)

[Signature]
(Signature of primary Agent of Record)
Paul Brown/ Chief of Police
(Name/Title of primary Agent of Record)
[Signature]
(Signature of secondary Agent of Record)
Marcella Lopez/ Admin Asst.
(Name/Title of secondary Agent of Record)



Texas SmartBuy Membership Program

Documents required for proof of eligibility

Submit all documentation required as proof of eligibility at the time you apply for membership in the program. All documentation must be on file with the Texas SmartBuy Membership Program BEFORE a determination of eligibility can be made.

Local Governments

County, Independent School District, Municipality, Jr. College District, Volunteer Fire Department

Documents required:

- ✓ Board approved resolution

MHMR Community Centers

Documents required:

- ✓ Board approved resolution

Special Districts or Other Legally Constituted Political Subdivisions of the State

Documents required:

- ✓ Board approved resolution
- ✓ Documentation evidencing creation of entity including statutory citation.
This can be in the form of:
 - a. Legislation in which the entity was created by name
 - b. A resolution passed by a city or a county stating that there is a need for the entity to exist and actually creating the entity

Assistance Organizations

Non-profit organizations that receive state funds **and** provide educational, health, or human services or provide assistance to homeless individuals

Documents required:

- ✓ Board approved resolution
- ✓ Articles of Incorporation and Certificate of Incorporation. A letter from the Secretary of State with the entity's charter number evidencing that the entity filed for incorporation will be accepted in lieu of a Certificate of Incorporation. **The State of Texas CO-OP cannot accept by-laws in lieu of Articles of Incorporation**
- ✓ Current contract or grant from a State agency to prove State funding. This document must show beginning and end dates for the current State of Texas Fiscal Year, and these dates must be valid at the time the application is reviewed.

Texas Rising Star Providers

Childcare providers certified as Texas Rising Star Providers by Texas Workforce Commission

Documents required:

- ✓ Board Approved Resolution



Texas SmartBuy Membership Program

What is the the Texas SmartBuy Membership Program?

Created by legislation in 1979, the Texas Comptroller of Public Accounts' (CPA) Texas SmartBuy Membership Program offers members a unique opportunity to make the most of their purchasing dollars and efforts by using the State of Texas volume buying power.

Who can join?

- Local governments
- School Districts
- Utility Districts
- Appraisal Districts
- Junior Colleges
- MHMR community centers
- State-funded assistance organizations
- Housing and Transportation Authorities
- Assistance organizations

Sections 271.081-271.083, Local Government Code, and Sections 2155.202 and 2175.001(1), Government Code, provide the legal authority for the program.

Why should you join the Texas SmartBuy Membership Program?

- **Get Best Value for Your Purchases** – Our purchasers competitively bid and award hundreds of contracts in accordance with state purchasing statutes and competitive bidding requirements. You reap the savings for your organization and ultimately for the citizens of Texas.
- **Save Valuable Time and Effort** – No bidding, just order from hundreds of established state contracts.
- **Search Thousands of Vendors** – Looking for something not on one of our negotiated contracts? Use our Centralized Master Bidder's List to identify vendors from our database of over 9,000 companies (including HUBs). <https://comptroller.texas.gov/purchasing/vendor/cmb/>
- **Post Bid and Award Notices on the Electronic State Business Daily** – As a member, set up FREE password access to the Electronic State Business Daily (ESBD) where you can post your entity's solicitations to increase vendor participation and provide public notice of awards. <http://www.txsmartbuy.com/sp/>
- **Save Money on Travel** – Qualified members may use the State Travel Management Program for discounted rates on rental cars, thousands of hotels and airline tickets.

If you have any questions or need more information about our program please feel free to e-mail members@cpa.texas.gov or call 512-463-3368.



Texas SmartBuy Membership Program

Accessing the Texas SmartBuy Membership Program on the Internet

Go to the Texas SmartBuy Membership web site: comptroller.texas.gov/purchasing/members/

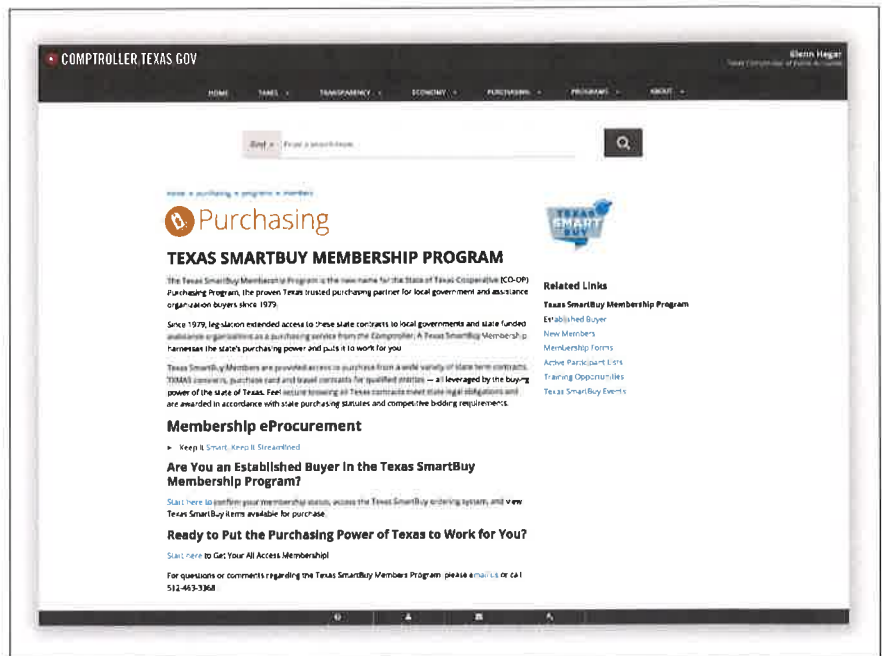
- **Membership Forms:** Includes the application, name change form, proof of eligibility and school bus specifications.
- **TxSmartBuy.com:** The state's online ordering system, Texas SmartBuy, will generate a state purchase order on your behalf, forwarding a copy to you and to the vendor. The vendor will then ship the merchandise and invoice your entity directly. CPA has awarded contracts for many commodities and services, including:

- Vehicles
- Office Supplies
- Furniture
- Procurement Card Services
- Appliances
- Road and Highway Equipment
- Police Equipment
- Pharmaceuticals
- Cleaning Supplies
- Food

- **TXMAS Information:** Texas Multiple Award Schedules (TXMAS). TXMAS contracts feature the most favored customer pricing and the possibility of negotiation. TXMAS can be used as alternative volume contracts.

- **CMBL Search:** This feature enables you to access the state Centralized Master Bidders List (CMBL) to create a bid list by product/service code. You may narrow the search by entering a county, city or zip code. This is a vendor list only. You should use this only as a vendor resource. You will need to follow your local bid requirements to purchase from these vendors.

- **State Travel Management Program:** Texas Government Code, Sections 2171.001-2171.055 extend the state travel management contracts to certain members of the Texas SmartBuy Membership program. Eligible entities include Municipalities, Counties, School Districts, Public Junior and Community Colleges, and Emergency Communication Districts, hospital districts and transit/transportation districts.





Texas SmartBuy Membership Program

Texas SmartBuy Membership Application

Paul Brown

Name of Authorized Individual

(NOTE: Please list 2 people who are authorized to sign for purchases and will receive all correspondence from CPA. Additional authorized signers or Agents of Record may be listed on the resolution with the signatures documented at the bottom of the resolution.)

Marcella Lopez

Name of Authorized Individual (secondary contact)

Tulia Police Department

Organization/Qualified Entity Name

201 N Maxwell

Address

Tulia, TX, 79088

City, State, Zip Code

p.brown@tuliapd.org

Primary Email Address

806-995-3555

Phone Numbers

m.martinez@tuliapd.org

Secondary Email Address

806-995-2222

Fax Number

The annual membership fee for participation in the Texas SmartBuy Membership Program is:

\$100.00 – FEE IS NON-REFUNDABLE

Please make checks payable to:

Texas Comptroller of Public Accounts

Please mail to:

Texas Comptroller of Public Accounts

P.O. Box 13186

Austin, TX 78711

**PLEASE RETURN THIS FORM WITH PAYMENT
AND ALL REQUIRED DOCUMENTS AND SIGNATURES**

Questions? Contact the Texas SmartBuy Membership Program at 512-463-3368 or at members@cpa.texas.gov.