



Economic Development Corporation Inaugural Meeting

Meeting of the BEEDC Board of Directors

February 15, 2024, 3:00 p.m.

144 Wilcox Drive Eddy, Texas 76524

Council Chambers

Please mute your phones and computers to avoid any interference during the meeting

1. Call to Order – Kent Manton, Director

- a) Greetings
- b) Invocation: Director James Tolbert
- c) Pledge of Allegiance
- d) Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.
- e) Roll Call

2. Board of Directors Oath of Office

Mayor Linda Owens will jointly administer the Oath of Office to the recently appointed Board of Directors of the Bruceville-Eddy Economic Development Corporation to their inaugural terms.

3. Required Training, Roles and Responsibilities, and Mandatory Submissions

Directors to discuss and consider a presentation on training requirements for board members, various roles and responsibilities of the Directors in general, including those roles and responsibilities specific to elected officers, and state mandated reporting and submission requirements.

4. Election of Officers

Directors to discuss, consider, and possibly take action to elect Officers, consisting of the President, Vice-President, Treasurer, and Secretary, of the Board of Directors for a one (1) year term; appointment of any assistants as may be needed.

5. Adoption of Bylaws

Directors to discuss, consider, and possibly take action to adopt the City Council approved bylaws of the Bruceville-Eddy EDC.

6. Citizen Presentations

The Board of Directors welcomes public comments at this point on items **not** specifically listed on the agenda. Speakers must sign up before the meeting begins. Speakers are limited to five (5) minutes each. The Board of Directors cannot respond to matters not listed on the agenda until a future meeting.

7. Program/Project Discussion

Directors to discuss, consider, and possibly taken action on the establishment of a general program for the use of the associated EDC sales and use tax funds; initial conversation on proposed projects eligible for Type B EDC Corporations.



8. Selection of Meeting Dates and Tours

Directors to discuss, consider, and possibly take action to select dates and times for both regular quarterly meetings as well as the annual meeting; proposal to ‘tour’ other local EDC meetings for the purpose of networking and gaining a better understanding of EDC meeting processes.


9. Adjournment

For the safety of citizens, board members, and staff, upon adjourning of the BEEDC meeting, citizens/visitors are asked to exit the building through the front entrance to City Hall immediately. Any bags, backpacks, purses, etc., that are being brought into the meeting room are subject to security screening. Anyone (citizens, visitors) attending a board meeting will be subjected to a metal detector screening before entering the meeting room.

All items on the agenda are for discussion and/or action. The Board of Directors reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development).

The city is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the City Administrator at least 48 hours in advance. Please contact the City Administrator at (254) 859-5700 or fax at (254) 859-5779 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Bruceville-Eddy Economic Development Corporation is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the official notice case, at City Hall in the City of Bruceville-Eddy, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 5th day of February, 2024 at 4:00 pm, and remained so posted, continuously, for at least 72 hours proceeding the scheduled time of said Meeting.



Kent Manton, City Administrator
City of Bruceville-Eddy, Texas

Date: 2/5/2024





TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. Box 13528 • Austin, TX 78711-3528

December 27, 2023

Mr. Kent Manton
City Administrator
City of Bruceville Eddy
144 Wilcox Drive
Eddy, TX 76524

Dear Mr. Manton:

We have received the results of the City of Bruceville Eddy's November 7, 2023 election to adopt an additional 1/4% city sales and use tax for economic and industrial development as permitted under the provisions of Chapter 505, Type B Corporations of the Texas Local Government Code.

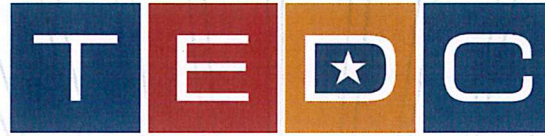
This additional 1/4% local sales and use tax will become effective within the City of Bruceville Eddy on April 1, 2024.

If you have any questions or need more information, please call me toll free at 800-531-5441, extension 3-4136 or at the regular number 512-463-4136. My email address is Trang.Nguyen@cpa.texas.gov.

Sincerely,

A handwritten signature in cursive script that reads "Mia Nguyen".

Trang (Mia) Nguyen
Tax Allocation Section
Revenue Accounting Division



TEXAS ECONOMIC DEVELOPMENT COUNCIL

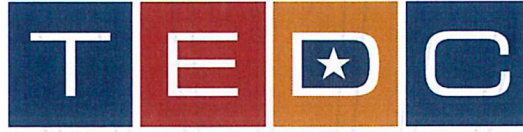
CERTIFICATE *of* COURSE COMPLETION
Economic Development Sales Tax Workshop

Kent Manton

is hereby recognized as having successfully completed the
Economic Development Sales Tax Workshop presented by the
Texas Economic Development Council.

Certificate is issued effective this 15th day of December, 2023.

Carlton Schwab
President/CEO



TEXAS ECONOMIC DEVELOPMENT COUNCIL

CERTIFICATE *of* COURSE COMPLETION

Open Meetings Act

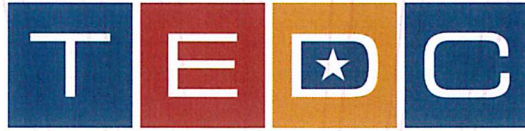
Kent Manton

is hereby recognized as having successfully completed a course of training on the Texas Open Meetings Act, as presented by Jeff Moore, at an Economic Development Sales Tax Workshop. Completion satisfies the legal requirements of Government Code, Section 551.005.

Certificate is issued effective this 15th day of December, 2023.

Carlton Schwab
President/CEO

NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Texas Workforce Commission does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 551.005(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.



TEXAS ECONOMIC DEVELOPMENT COUNCIL

CERTIFICATE *of* COURSE COMPLETION Public Information Act

Kent Manton

is hereby recognized as having successfully completed a course of training on the Texas Public Information Act, as presented by Tamara Smith of the Texas Attorney General's Office, at an Economic Development Sales Tax Workshop. Completion satisfies the legal requirements of Government Code, Section 552.012.

Certificate is issued effective this 15th day of December, 2023.

Carlton Schwab
President/CEO

NOTICE TO CERTIFICATE HOLDER: You are responsible for the safekeeping of this document as evidence that you have completed this open government training course. The Texas Workforce Commission does not maintain a record of course completion for you and is unable to issue duplicate certificates. Government Code Section 552.012(c) requires the governmental body with which you serve to maintain this Certificate of Course Completion and make it available for public inspection.

**BYLAWS OF
THE BRUCEVILLE-EDDY ECONOMIC DEVELOPMENT
CORPORATION OF THE CITY OF BRUCEVILLE-EDDY,
TEXAS
A NON-PROFIT CORPORATION**

These bylaws (referred to as the "Bylaws") govern the affairs of the Bruceville-Eddy Economic Development Corporation, a public instrumentality and a non-profit corporation (hereinafter referred to as the "Corporation") created under TEX. LOC. GOV. CODE Chapters 501, 502 and 505, *et seq.*, as amended (hereinafter referred to as the "Act").

**ARTICLE I
PURPOSE AND POWERS**

Section 1. Purpose. The Corporation is incorporated for the purposes set forth in Article IV of its Certificate of Formation, the same to be accomplished on behalf of the City of Bruceville-Eddy, Texas (the "City"), as its duly constituted authority and instrumentality in accordance with the Act.

Section 2. Powers. The Corporation shall have all of the express and implied powers set forth and conferred in its Certificate of Formation, in the Act, and in other applicable law.

**ARTICLE II
BOARD OF DIRECTORS**

Section 1. Number and Terms of Office.

- (a) The affairs of the Corporation shall be managed and controlled by a Board of Directors (the "Board") and, subject to the restrictions imposed by law, by the Certificate of Formation, the Act, and by these Bylaws, the Board shall exercise all of the powers of the Corporation.
- (b) The Board shall consist of seven (7) Directors, each of whom shall be appointed by and serve at the pleasure of the City Council (the "Council") of the City of Bruceville-Eddy.
- (c) Directors are appointed for terms of two (2) years each. Seats on the Board shall be numbered one (1) through seven (7), with the terms of odd numbered seats expiring in September of odd numbered years, and even numbered seats expiring in September of even numbered years.
- (d) Any director may be removed from office by the Council at will, with or without cause.
- (e) In the event of a vacancy on the Board, the position shall be filled by City Council according to the procedures established by City Council.

Section 2. Qualifications.

- (a) The Directors shall hold such qualifications as required by State Law and as determined by the City Council.

Section 3. Resignations.

- (a) Director resignations shall be made in writing and shall take effect immediately upon receipt by the President or the Executive Director. The acceptance of a resignation shall not be necessary to make it effective unless expressly so provided in the resignation.

Section 4. Meetings of Directors.

- (a) The Board shall annually set regular meeting dates and times in the corporate city limits as the Board may determine; provided, however, in the absence of any such determination by the Board or in the event of a conflict, the Board President shall select a reasonable date and time to hold the meeting.
- (b) The Board shall hold regular meetings at Bruceville-Eddy City Hall. If City Hall is not available, the President shall select a suitable location, which may include a virtual meeting as allowed under State Law.
- (c) The annual meeting of the Board shall be held at a date and time determined by the President.
- (d) The President, in consultation with the Vice -President and Executive Director, may call a special meeting of the Board.
- (e) Directors shall be expected to regularly attend all Board meetings. Special consideration can be granted for absences for good cause. The Council shall be advised of and may remove any Director who is absent from three (3) consecutive regular or special meetings, or 66% of total meetings in a given fiscal year.
- (f) An item shall be placed on the agenda at the request of any director, for any meeting, by delivering the same in writing to the President/Executive Director no later than ten (10) days prior to the date of the Board meeting.
- (g) The director of the Corporation, if the Board feels that one is needed, shall be a compensated employee of the Corporation. The director shall be the chief executive officer of the Corporation responsible for all daily operations and the implementation of Board policies and resolutions. The director shall attend all called Board meetings and perform those duties and functions as the Board shall prescribe.

Section 5. Open Meetings Act.

All meetings and deliberations of the Board shall be called, convened, held and conducted, in accordance with the requirements of the Texas Open Meetings Act.

Section 6. Quorum.

A majority of the Directors shall constitute a quorum for the conduct of official business of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum

is in attendance shall constitute the act of the Board and of the Corporation, unless the act of a greater number is required by law, or is otherwise required within these Bylaws. A Director may not vote by proxy.

Section 7. Conduct of Business.

- (a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with the rules of procedure as from time to time may be prescribed by the Board by resolution.
- (b) At all meetings of the Board, the President shall preside and, in the absence of the President, in the order of availability, the Vice-President, the Treasurer and then the Secretary shall exercise the powers of the President.

Section 8. Committees of the Board.

The Board may constitute from time to time committees of the Board that are deemed necessary or appropriate. No such committee shall have independent authority to act for or in the stead of the Board.

Section 9. Compensation of Directors.

Directors shall not receive any salary or compensation for their service as Directors. However, they may be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder. The policy regulating payment of reasonable actual expenses incurred in performance of official duty shall be determined by the Board.

Section 10. Conflicts of Interest.

The Directors are subject to any Code of Ethics, set forth in the City of Bruceville-Eddy's Code of Ordinances, (hereafter "Code of Ethics") and shall conform thereto for purposes of addressing potential and/or actual conflicts of interest.

**ARTICLE III
OFFICERS**

Section 1. Titles and Term of Office.

- (a) The officers of the Corporation shall be a President, Vice-President, Secretary, and Treasurer. Any two (2) offices may be held by the same person, except the office of President of the Board and Secretary. Terms of office shall be one (1) year with the right of an officer to be reelected.
- (b) All officers shall be subject to removal from office at any time by a vote of the majority of the Board.
- (c) A vacancy in the office of any officer shall be filled by a vote of the majority of the Board

Section 2. Powers and Duties of the President.

The President of the Board shall:

- (a) Preside over all meetings of the Board.
- (b) Have the right to vote on all matters coming before the Board.
- (c) Have the authority to, upon seventy-two (72) hour notice to the Directors, call a special meeting of the Board, when in his or her judgment such meeting is required.
- (d) Have the authority to appoint ad hoc committees of the Board, which may address issues of a temporary nature of concern or which have a temporary effect on the business of the Board.
- (e) Have the authority to appoint advisory committees to the Board to further the overall development plan of the Board.
- (f) Shall sign with the co-signature of the Secretary, any document which the Board has approved, unless the execution of said document has been expressly delegated to some other officer or agent of the Corporation by appropriate Board resolution, by a specific provision of these Bylaws, or by statute.
- (g) Have the authority and responsibility for all day-to-day activities of the Corporation, including periodic updates to City Council and the City Administrator, supervision of staff, and shall be responsible for all applicable administrative requirements of its Certificate of Formation, these Bylaws, and the Act, as amended, if the Corporation has a vacancy in the role of Executive Director at any time;
- (h) In general, the President of the Board shall perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Board.

Section 3. Vice-President.

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

Section 4. Secretary.

The secretary shall keep the minutes of all proceedings of the Board and make a proper record of the same, which shall be attested by the secretary. The Secretary shall keep such books as may be required by the Board and shall perform such other duties as may be required by the Board. The Secretary shall cause notices to be posted of all Board meetings in accordance with

the Texas Open Meetings Act.

Section 5. Treasurer.

The Treasurer shall, in general, perform all the duties incident to that office and such other duties as from time to time may be assigned to him or her by the President of the Board or the Board in general. The Treasurer shall receive and give receipt for money due and payable to the Corporation and shall deposit such monies received by the Corporation, in accordance with Article IV of these Bylaws, if such monies are not directly deposited in the Corporation's accounts.

Section 6. Assistant Secretaries and Assistant Treasurers.

The Board may appoint assistant secretaries and assistant treasurers as it may consider desirable, who shall in general perform such duties as may be assigned to them by the Secretary or the Treasurer, or by the President of the Board. The assistant secretaries and assistant treasurers need not necessarily be Directors.

Section 7. Executive Director.

- (a) The Executive Director of the Corporation, if the Board feels that one is needed, shall be a compensated employee of the Corporation. The Executive Director shall be the chief executive officer of the Corporation responsible for all daily operations and the implementation of Board policies and resolutions. The Executive Director shall attend all called Board meetings and perform those duties and functions as the Board shall prescribe.
- (b) The Board shall develop a job description for the Executive Director position, a performance review schedule and criteria for review, and shall review the performance of the Executive Director based upon the schedule and criteria.
- (c) The Corporation may establish full-time and/or part-time personnel positions. Personnel positions so established shall be reflected in the Annual Corporate Budget and approved accordingly, as referenced in Article IV, Section 1 of these Bylaws.
- (d) The Executive Director and any staff shall be required to follow the Code of Ethics and all Personnel Policies and Procedures of the Corporation adopted by the Board.

**ARTICLE IV
FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS**

Section 1. Annual Corporate Budget.

The Board shall cause to be prepared, and shall submit to the City Council, a budget for the forthcoming fiscal year, and in accordance with the annual budget preparation schedule set forth by the City Administrator/Manager. The budget shall be submitted to the City Administrator/Manager for inclusion in the annual budget presentation to the City Council. The

budget proposed for adoption shall include the projected operating expenses, projected programs and projects, and such other budgetary information as shall be useful to or appropriate for the Board and the City Council. No budget amendments shall become effective without City Council approval. No expenditures of funds shall be made unless such expenditure is provided for by the City Council approved budget of the Corporation or otherwise approved by City Council. The City Council must approve all programs, projects, and expenditures of the Corporation.

Section 2. Contracts for Service.

- (a) The Corporation may contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. Any contract over Fifty Thousand Dollars (\$50,000.00) must be approved by City Council.
- (b) No such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy-making functions.

Section 3. Books, Records, and Audits.

- (a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.
- (b) The Corporation shall cause its books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent auditing and accounting firm approved by the Corporation, which may be included with the City's annual audit process. Such audit shall be at the expense of the Corporation.
- (c) All books, records, accounts, and financial statements shall be kept and administered in accordance with the Texas Public Information Act, Chapter 552, Texas Government Code.

Section 4. Deposit and Investment of Corporate Funds.

- (a) All funds of the Corporation shall be deposited on a regular basis, consistent with generally accepted accounting practices, in a local bank that is a depository of the City, which shall be federally insured and shall be selected following procedures and requirements for selecting a depository as set forth in Chapter 105 of the Local Government Code. All deposits shall be properly accounted for as deposits of the Corporation.
- (b) Temporary and idle funds, which are not needed for immediate obligations of the Corporation, shall be maintained on deposit in the Corporation's depository, or may be invested in any other legal manner in compliance with the internal financial control policies of the Corporation and City Investment Policy.

- (c) All proceeds from loans or from the issuance of bonds, notes, or other debt instruments ("Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to their execution or issuance.

Section 5. Expenditures of Corporate Money.

The monies of the Corporation, including sales and use taxes collected pursuant to the Act, monies derived from the repayment of loans, rents received from the lease or use of property, the proceeds from the investment of funds of the Corporation, the proceeds from the sale of property, and the proceeds derived from the sale of Obligations may be expended for by the Corporation for any of the purposes authorized by the Act, subject to the following limitations:

- (a) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council prior to the execution of loan or financing agreements or the sale and delivery of the Obligations, to the purchasers thereof required by Section 7 of this Article;
- (b) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations, may be used for the purposes of financing or otherwise providing one or more "Projects", as defined in the Act. The specific expenditures shall be described in a resolution or order of the Board, and shall be made only after the approval thereof by the City Council;
- (c) Corporation shall set its own internal financial control policies for finance and payment policies in accordance with sound fiscal policy, including internal controls, and State law.

Section 6. Issuance of Obligations.

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

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Principal Office.

- (a) The principal office of the Corporation shall be located at such place as determined by the Board.
- (b) The Corporation shall have and shall continually designate a registered agent at its Registered Office, as required by the Act.

Section 2. Fiscal Year.

The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3. Surety Bonds.

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

Section 4. Indemnification of Directors, Officers, and Employees.

The Directors shall authorize the Corporation to pay or reimburse any current or former employee, director or officer of the Corporation for any costs, expenses, fines, settlements, judgments, and other amounts, actually and reasonably incurred by such person in any action, suit, or proceeding to which he or she is made a party by reason of holding such position as employee, officer or director; provided, however, that such person shall not receive such indemnification if they be finally adjudicated in such instance to be liable for gross negligence or intentional misconduct in office. The indemnification herein provided shall also extend to good faith expenditures incurred in anticipation of, or preparation for, threatened or proposed litigation. The Board may, in proper cases, extend the indemnification to cover the good faith settlement of any such action, suit, or proceedings, whether formally instituted or not.

Section 5. Legal Construction.

These Bylaws shall be construed in accordance with the laws of the State of Texas.

Section 6. Severability.

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

Section 7. Approval or Advice and Consent by the City Council.

To the extent that these Bylaws refer to any approval by the City or the City Council or refer to advice and consent by the City Council, such approval, or advice and consent shall be evidenced by a certified copy of a resolution, order, or motion duly adopted by the City Council.

Section 8. Services of City Staff and Officers.

Any request for services made to the departments of the City shall be made by the Board or its designee in writing to the City Administrator and the Mayor. The City Council may approve of such request for assistance from the Board when it finds such requested services are available within the City and that the Board has agreed to reimburse the City for the cost of such services so provided, as provided in these Bylaws.

Subject to the authority of the City Council, the Corporation shall have the right to utilize the services of the staff and employees of the City, provided (i) that the City Council approves of the utilization of such services, (ii) that the Corporation shall pay, as approved by the City Council, reasonable compensation to the City of such services, and (iii) the performance of such services does not materially interfere with the other duties of such personnel of the City. Utilization of the aforesaid City staff shall be solely by a contract approved by the City Council and the Board.

Section 9. Prohibited Acts.

As long as the Corporation is in existence, no director, officer or committee member of the Corporation shall:

- (a) Do any act in violation of these Bylaws or a binding obligation of the Corporation;
- (b) Do any act with the intention of harming the Corporation or any of its operations;
- (c) Do any act that would make it improbable or unnecessarily difficult to carry on the intended or ordinary business of the Corporation;
- (d) Receive an illegal personal or business benefit from the operation of the Corporation;
- (e) Use the assets of the Corporation, directly or indirectly, for any purpose other than carrying on the business of the Corporation,
- (f) Wrongfully transfer or dispose of Corporation property; including intangible property such as good will;
- (g) Use the name of the Corporation (or any substantially similar name) or any trademark or trade name adopted by the Corporation, except on behalf of the Corporation in the ordinary course of the Corporation's business;
- (h) Disclose any of the Corporation's privileged business information, trade secrets, or other confidential information to any persons not authorized to receive such information;
- (i) Commit Corporation funds without the prior approval of the Board.

ARTICLE VI EFFECTIVE DATE AND APPROVAL AND AMENDMENT

Section 1. Effective Date.

These Bylaws shall become effective upon the occurrence of the following events:

- (1) the adoption of these Bylaws by the Board, and
- (2) the approval of the Bylaws by the City Council.

Section 2. Amendments to Articles of Incorporation and Bylaws. The Certificate of Formation and the Bylaws may be amended by an affirmative vote of at least three (3) Board members present at any regular meeting or at any special meeting, and such amendment will be effective upon approval by the City Council. In addition, the City Council may amend the Certificate of Formation or Bylaws on its own motion.

Section 3. Dissolution of the Corporation. Upon dissolution of the Corporation, titles to or other interest in any real or personal property owned by the Corporation at such time shall vest in the City of Bruceville-Eddy, Texas.

Section 4.

These Bylaws of the Bruceville-Eddy Economic Development Corporation were approved and adopted at a meeting of the Board of the Bruceville-Eddy Economic Development Corporation, held on _____, 2023.

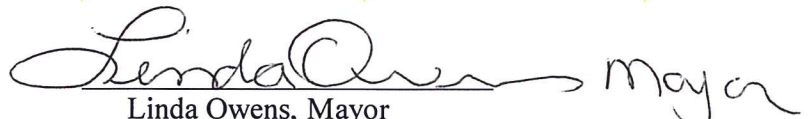
APPROVED:

_____, President
Bruceville-Eddy Economic
Development Corporation


Attest:

Bruceville-Eddy Economic Development Corp.

Approved and adopted at a meeting of the City Council held on October 12th, 2023.


Linda Owens, Mayor
City of Bruceville-Eddy, Texas

Attest:



City Secretary

Roadmap to a **PARKS & RECREATION MASTER PLAN**

Project Kick-Off

Duration: ~1.5 Months

- Appoint Stakeholder Committee
- Information gathering and review
- Review of 2011 Comp. Plan
- Socioeconomic, demographic, and current and projected population data
- Parks and resources inventory
- Site Assessments and/or Condition Assessments
- Draft online survey questions

Plan Development

Duration: ~2 Months

- Conditions assessment and inventory findings
- Review of existing TPWD grant programs
- Goals, objectives, and strategies
- Publish online survey
- Project identification
- Identify short- and long-term priorities
- Cost estimates
- Stakeholder consensus
- Develop draft Parks and Recreation Open Space Master Plan
- Submit draft Plan to Council, Stakeholders, and public

Approvals

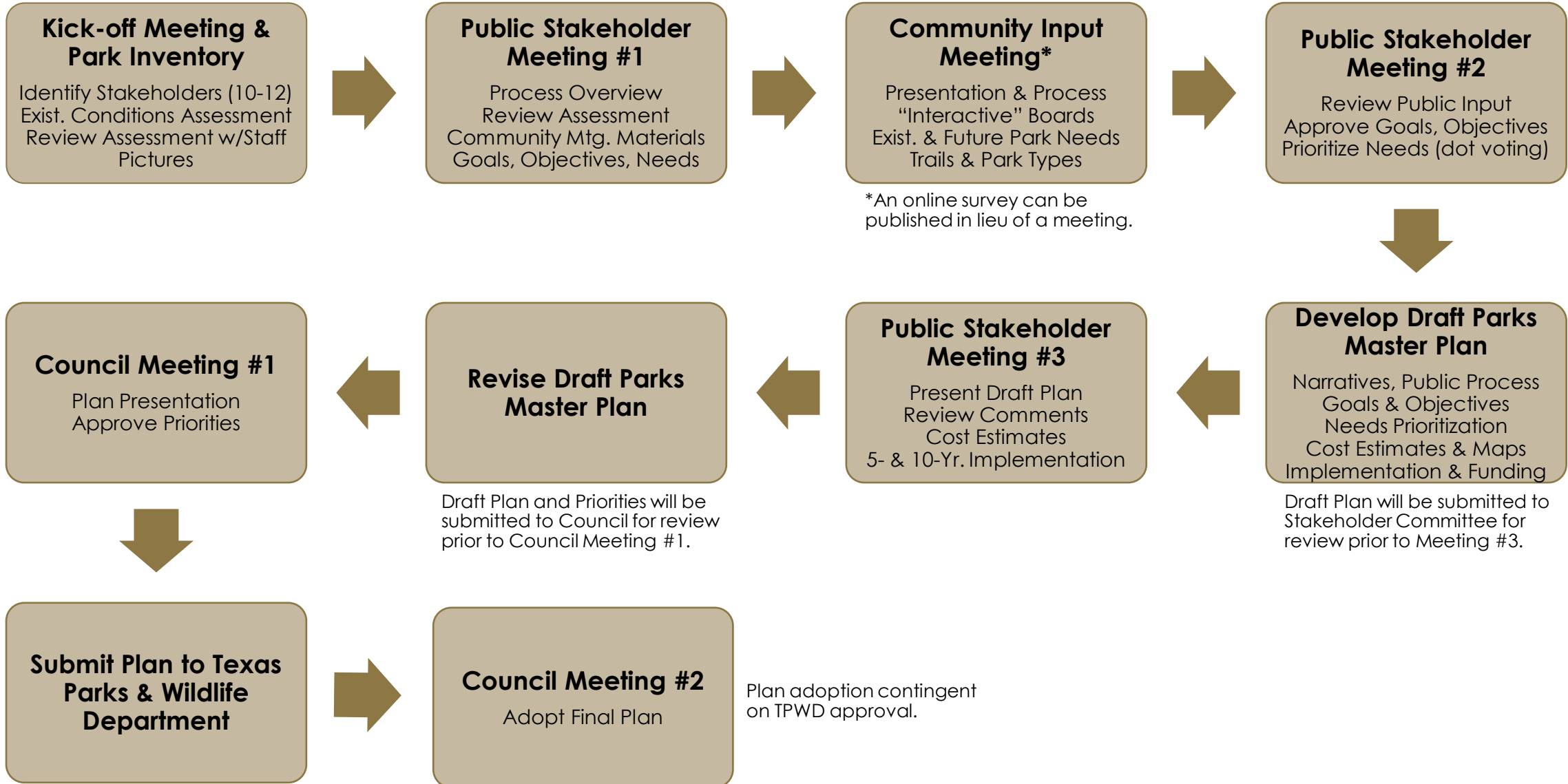
Duration: ~1-2 Months

- Present draft Plan to Council
- Submit draft Plan to TPWD for approval
- Approve and adopt the final Plan

***Parks & Recreation Master Plan must be submitted to TPWD at least 60 days prior to the Local Park Grant deadline.**

***TPWD Local Park Grant Deadline is August 1, 2024**

Roadmap to a **PARKS & RECREATION MASTER PLAN**



August 14, 2023

Mr. Kent Manton, City Administrator
City of Bruceville-Eddy
144 Wilcox Drive
Eddy, TX 76524

**RE: PROPOSAL FOR PROFESSIONAL SERVICES
DEVELOPMENT OF A PARKS AND OPEN SPACE MASTER PLAN—CITY OF BRUCEVILLE-EDDY**

Dear Mr. Manton:

MRB Group, P.C. (MRB) is pleased to provide this proposal for professional services to develop a 10-year Parks and Open Space Master Plan (Plan) for the City of Bruceville-Eddy (City). MRB will develop this Plan to meet the City's needs and conformance with the Texas Parks and Wildlife Department's (TPWD) guidelines for an approved 10-year Park and Open Space Master Plan.

I. Background

The City of Bruceville-Eddy would like to continue offering its citizens a high quality of life by enhancing the community's local parks and recreation facilities.

The City has expressed the need for a Parks and Open Space Master Plan that meets all requirements set forth by Texas Parks and Wildlife Department (TPWD) Grants Programs to be eligible to compete for all State Grant Programs. Current guidelines by TPWD require that the Plan cover ten (10) years. The City adopted its current Open Space Plan as a section of its 2011 Comprehensive Plan.

MRB will structure the Plan to include short-term (5-year) and long-term (10-year) priorities. MRB recommends that the City utilizes a Stakeholder Committee to provide direction and assist in developing needs and proposed priorities that will be incorporated into the Plan.

II. Scope of Services and Compensation

The Plan will be formatted and developed according to the TPWD's Park, Recreation, and Open Space Master Plan Guidelines. The Plan will be guided by community input and developed by accomplishing the following elements:

- A. Development of a Parks and Open Space Master Plan to include the following major components:
 1. Compile General Information on the City, including:
 - a. Role of the City in providing park and recreation amenities.
 - b. Identification of the population served and project area.
 - c. City demographics.
 2. Establish the Planning Process, Goals, Objectives, Strategies, and Priorities. These items include:
 - a. Establish a Stakeholder Committee that will meet up to three (3) times.
 - b. Establish goals for the Plan through public input.
 - c. Establish objectives based on goals.
 - d. Develop implementation strategies.
 3. Define Area Facility Concepts and Standards
 - a. Using National Standards provided by the National Recreation and Park Association (NRPA), compare park and recreational amenities provided by the City.
 4. Inventory and Conditions of City and Area Facilities
 - a. Identify parks and City-owned land in the area.
 - b. Create an inventory of existing parks (Appleby Park & Duty Park) and conditions.
 - c. Create an inventory of recreational programs and community events.
 5. Needs Assessment
 - a. Prepare one (1) community survey that can be placed on the City's website OR conduct one (1) Community Input Meeting that will allow input into the development of the Plan. The community will provide input by participating in "sticky note" and/or "dot" exercises.

- b. Based on the survey results and public input meeting, work with the Stakeholder Committee to perform a needs assessment to identify areas that are underserved or not currently being addressed.
- 6. Set Priorities Based on Public Input
 - a. Develop proposed general priorities based on input from the community and Stakeholder Committee.
 - b. Divide proposed general priorities into specific priorities for 5-year periods.
- 7. Depict Potential Future Park improvements and Trail Systems
 - a. Develop one (1) communitywide context map and one (1) map of prioritized improvements to Appleby Park and Duty Park.
- 8. Develop a Draft and Final Plan
 - a. Based on discussions with City Staff on the Draft Plan, issue a Draft Plan to include one (1) electronic copy and draft hardcopies for the Stakeholder Committee, City Staff, and City Council. MRB will present the Draft Plan to the City Council.
 - b. The Final Plan will incorporate comments received and include one (1) electronic copy and hard copies for the Stakeholder Committee, City Staff, and City Council.

Subtotal of A, Items 1-8.....\$17,800.00

Total Compensation\$17,800.00

The cost figures shown above represent our lump sum amount. Any additional work beyond this fee and outside the scope of this proposal would be reviewed with the Client. MRB Group shall submit monthly statements for services rendered during each invoicing period based on the efforts performed during that period. MRB Group Standard Rates are subject to annual adjustment.

III. Project Schedule

The Parks and Open Space Master Plan will take approximately five (5) to six (6) months to complete upon receipt of the signed proposal.

Action	Start	Complete
Contract Approval	Aug. 2023	Aug. 2023
Kick-off Meeting and Inventory	Sep. 2023	Sep. 2023
Public Stakeholder Meeting #1	Sep. 2023	Sep. 2023
Community Input Meeting	Oct. 2023	Nov. 2023
Public Stakeholder Meeting #2	Nov. 2023	Nov. 2023
Draft Park and Open Space Master Plan	Nov. 2023	Dec. 2023
Stakeholder Meeting #3	Dec. 2023	Dec. 2023
Revise Park and Open Space Master Plan	Dec. 2023	Jan. 2024
Council Meeting #1 – Draft Plan	Jan. 2024	Jan. 2024
Submit Plan to Texas Parks and Wildlife	Jan. 2024	Jan. 2024
Council Meeting #2 – Plan Adoption	Feb. 2024	Feb. 2024

Note: The Project Schedule is approximate and may be adjusted based on the actual contract execution date, available meeting times, and holidays.

IV. Additional Services

The following items not included in the above services can be provided on a personnel time-charge basis but would only be performed upon receipt of your authorization.

- A. Surveys or additional public meetings and/or City Council meetings.
- B. Additional maps beyond what is described in this scope.
- C. Application preparation to TPWD or other funding agencies.
- D. Design phase services.

V. Commencement of Work

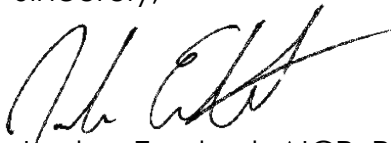
MRB Group will begin work on the project upon receipt of this signed contract proposal.

VI. Standard Terms and Conditions

Attached hereto and made part of this Agreement are MRB Group's Standard Terms and Conditions.

If this proposal is acceptable, please sign where indicated and return it to our office. Thank you for considering our firm. We look forward to working with you on this project.

Sincerely,



Jordan Everhart, AICP, PMP
Project Manager



James J. Oberst, P.E., LEED AP
Executive V.P./C.O.O.

\\mrbgroup.prv\Admindata\630006\Proposals\Bruceville-Eddy, City of\TPWD Parks Plan_Aug 2023\Bruceville-Eddy Park Plan_Letter Proposal.docx

Enclosure MRB Group Standard Terms and Conditions

PROPOSAL ACCEPTED FOR THE CITY OF BRUCEVILLE-EDDY BY:		
_____	_____	_____
<i>Signature</i>	<i>Title</i>	<i>Date</i>

**MRB GROUP, P.C.
AGREEMENT FOR PROFESSIONAL SERVICES
STANDARD TERMS AND CONDITIONS**

A. TERMINATION

This Agreement may be terminated by either party with seven days' written notice in the event of substantial failure to perform in accordance with the terms hereof by one party through no fault of the other party. If this Agreement is so terminated, the Professional Services Organization (hereinafter referred to as P.S.O.) shall be paid for services performed on the basis of his reasonable estimate for the portion of work completed prior to termination. In the event of any termination, the P.S.O. shall be paid all terminal expenses resulting therefrom, plus payment for additional services then due. Any primary payment made shall be credited toward any terminal payment due the P.S.O. If, prior to termination of this Agreement, any work designed or specified by the P.S.O. during any phase of the work is abandoned, after written notice from the client, the P.S.O. shall be paid for services performed on account of it prior to receipt of such notice from the client.

B. OWNERSHIP OF DOCUMENTS

All reports, drawings, specifications, computer files, field data and other documents prepared by the P.S.O. are instruments of service and shall remain the property of the P.S.O. The client shall not reuse or make any modification to the instruments of service without the written permission of the P.S.O. The client agrees to defend, indemnify and hold harmless the P.S.O. from all claims, damages, liabilities and costs, including attorneys' fees, arising from reuse or modification of the instruments of service by the client or any person or entity that acquires or obtains the instruments of service from or through the client.

C. ESTIMATES

Since the P.S.O. has no control over the cost of labor and materials, or over competitive bidding and market conditions, the estimates of construction cost provided for herein are to be made on the basis of his experience and qualifications, but the P.S.O. does not guarantee the accuracy of such estimates as compared to the Contractor's bid or the project construction cost.

D. INSURANCE

The P.S.O. agrees to procure and maintain insurance at the P.S.O.'s expense, such insurance as will protect him and the client from claims under the Workmen's Compensation Act and from claims for bodily injury, death or property damage which may arise from the negligent performance by the P.S.O. or his representative.

E. INDEPENDENT CONTRACTOR

The P.S.O. agrees that in accordance with its status as an independent contractor, it will conduct itself with such status, that it will neither hold itself out as nor claim to be an officer or employee of the client, by reason hereof, and that it will not by reason hereof make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the client, including, but not limited to, Workmen's Compensation coverage, unemployment insurance benefits or Social Security coverage.

F. SUCCESSORS AND ASSIGNS

The client and the P.S.O. each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the client nor the P.S.O. shall assign, submit or transfer his interest in this Agreement without the written consent of the other.

G. P.S.O. NOT RESPONSIBLE FOR SAFETY PROVISIONS

The P.S.O. is not responsible for construction means, methods, techniques, sequences or procedures, time of performance, programs, or for any safety precautions in connection with the construction work. The P.S.O. is not responsible for the Contractor's failure to execute the work in accordance with the Contract Drawings and/or Specifications.

H. INVOICES AND PAYMENT

Client will pay MRB Group, P.C. for services in respect of the period during which Services are performed in accordance with the fee structure and work estimate set forth in the proposal. Invoices will be submitted on a periodic basis, or upon completion of Services, as indicated in the proposal or contract. All invoices are due upon receipt. Any invoice remaining unpaid after 30 days will bear interest from such date at 1.5 percent per month or at the maximum lawful interest rate, if such lawful rate is less than 1.5 percent per month. If client fails to pay any invoice when due, MRB may, at any time, and without waiving any other rights or claims against Client and without thereby incurring any liability to Client, elect to terminate performance of Services upon ten (10) days prior written notice by MRB to client. Notwithstanding any termination of Services by MRB for non-payment of Invoices, Client shall pay MRB in full for all Services rendered by MRB to the date of termination of Services plus all interest and termination costs and expenses incurred by MRB that are related to such termination. Client shall be liable to reimburse MRB for all costs and expenses of collection, including reasonable attorney's fees.

I. FEES REQUIRED FROM JURISDICTIONAL AGENCIES

MRB Group, P.C. is not responsible for nor does the Compensation Schedule established in the Agreement include fees or payments required of jurisdictional agencies. The client herein agrees to pay all application, entrance, recording and/or service fees required by said agencies.

J. P.S.O. NOT AN EMPLOYEE

The P.S.O. agrees not to hold himself out as an officer, employee or agent of the Owner, nor shall he make any claim against the Owner as an officer, employee or agent thereof for such benefits accruing to said officers, employees or agents.

K. INDEMNITY

The Owner will require any Contractor and Subcontractors performing the work to hold it harmless and indemnify and defend the Owner and P.S.O., their officers, employees and agents from all claims resulting from the Contractor's negligence in the performance of the work.



LOCAL PARK GRANTS PROGRAM

PARK, RECREATION AND OPEN SPACE MASTER PLAN GUIDELINES

The following guidelines have been developed to help local governments prepare park, recreation, and open space master plans in accordance with the Local Park Grant Programs Manual. Points may be received through the applicable "Project Priority Scoring System" for projects which meet priorities identified in Department-accepted, locally-endorsed parks, recreation, and open space master plans.

**** Please note that a master plan is NOT required to participate in the grant program, nor does Texas Parks & Wildlife Department's acceptance of a plan guarantee that points will be awarded for any project. ****

At a minimum, all master plans and/or updates must meet the recommendation in these guidelines for acceptance.

Submit plans and/or updates through Recreation Grants Online or RGO for review as early as possible, but no later than sixty days before the application deadlines. Because of the large number of review requests, early submission of master plans for review and approval is strongly encouraged.

Plans must be submitted and accepted in the on-line format (including resolution of adoption) by the deadline to be eligible for project priority points.

The following information is recommended for acceptance by Recreation Grants:

JURISDICTION-WIDE PLAN

Plans should be comprehensive and include the applicant's entire area of jurisdiction, i.e., the entire city, county, or district, etc. Plans may be broken into planning areas, regions, districts or precincts, as needed for larger communities or counties. All planning areas, regions, districts, or precincts must be included in the plan as partial plans are unacceptable.

Plans should address the present and future needs of the community or area, not merely short-term needs. Plans that justify only one grant project will not be accepted.

Regional (multi-jurisdictional) Park, Recreation and Open Space Master Plans may be submitted to the Department for review. This plan may be utilized by those communities located within the planning region. In order for any application to be eligible for priority planning points the project applicant must adopt the regional plan by resolution. The plan must also include all of the required master plan elements for each community wishing to utilize the regional plan; or the project applicant must submit a

supplement, by the applicable master plan deadline, that includes any required information pertaining to their community that is not included in the regional plan. Please compare the regional plan's elements to the following plan content list to determine if supplemental information will be required by the Department.

PLAN CONTENTS

All master plans should meet the following minimum requirements.

1. INTRODUCTION

Identify the local point of contact that can answer any questions related to the plan.

Name
Title
Mailing address
Phone number (business and mobile)
Email address.

Identify the firm/person that prepared the master plan.

Name
Company Name
Title
Mailing address
Phone number (business and mobile)
Email address.

Discuss the unit of government for which the plan is created. Include socio-economic data; demographics on ethnicity, age, and income; current and projected population figures and their source; growth or non-growth patterns; and the government's or agency's role in providing parks and recreation opportunities.

2. GOALS AND OBJECTIVES

The plan must specifically identify the time period within which the goals and objectives of the plan are to be carried out. Identify your parks and recreation service goals and follow with specific objectives for each goal.

3. PLAN DEVELOPMENT/PUBLIC INPUT PROCESS

Provide information on how you identified and prioritized your needs. Describe planning committees utilized and public input received through hearings, meetings, and surveys.

Provide public input documentation. Acceptable documentation includes a copy of the public meeting notice, and the minutes for the public meeting certified by an official applicant representative.

If a public survey is completed, an explanation of how the survey was distributed along with a copy of the survey and results are required.

4. AREA AND FACILITY CONCEPTS AND STANDARDS

This section contributes directly to the assessment and identification of needs. You cannot properly identify needs without establishing local standards and concepts.

Area/Facility standards should be determined locally. Local standards are influenced by preferences and available economic and natural resources. A good source of information on this topic can be found in the National Recreation & Park Association's Park, Recreation, Open Space and Greenway Guidelines. All of the guidelines identified in this document may or may not apply to your community or county. Adjustments to those standards may be necessary to reflect your needs and resources.

5. INVENTORY OF AREAS AND FACILITIES

Assess what parks, recreation and open space areas and facilities are currently within your system. You should also include private recreational facilities that are open to the public. If inventory data are broken out by park, include a summary table for all parks and facilities.

6. NEEDS ASSESSMENT AND IDENTIFICATION

The following three approaches may be employed in determining parks and recreation needs: (1) demand-based, (2) standard-based, and (3) resource-based. Or a combination of these approaches may help you more accurately assess your needs.

The demand-based approach relies on information gathered from participation rates, surveys, and other information that indicates how much of the population wants certain types of facilities.

The standard-based approach uses established standards to determine facilities and park areas needed to meet the needs of a given population size. The standards may be based on demand studies, the professional judgment of park and recreation planners and designers, etc.

The resource-based approach examines the assets and resources of the area for open space, parks and recreation facilities, and defines how these resources can be utilized.

For example – the availability of a lake or river within an area is a resource which can be utilized in developing a park system.

Applicants with large jurisdiction areas may wish to divide their jurisdiction into planning areas, regions, districts or precincts. Specific needs can then be assessed and identified within each planning unit.

Clearly identify needs and explain the methodology for determining them. Consider both outdoor and indoor recreation needs, if applicable.

7. PLAN IMPLEMENTATION AND PRIORITIZATION OF NEEDS

A priority list of needs should be ranked in order from highest to lowest priority and state when the needs will be met.

If your plan is broken into specific planning areas, regions, districts or precincts, you may prioritize needs within each of the planning regions.

Separate priority lists may be provided for indoor and outdoor needs. Lists must be area and/or facility specific, and be ranked according to priority order. It is the option of the applicant to present the priority lists as park/site-based or recreational element-based.

EXAMPLE of recreational facility-based priority lists:

Outdoor Priorities:

- #1 = Trails
- #2 = Picnic Tables
- #3 = Pavilions
- #4 = Adult softball fields
- #5 = Tennis courts, etc.

Indoor Priorities:

- #1 = Indoor pool
- #2 = Gym and basketball court
- #3 = Walking track
- #4 = Arts and crafts room
- #5 = Meeting room, etc.

Specific areas intended for open space acquisition and preservation should be located on a map, identified as a need, discussed, and prioritized in your plan.

Where appropriate, renovation/redevelopment needs must be discussed and may be ranked as a priority.

Renovation is defined as “to renew, make over...” Work on existing facilities to completely renew, update, or modernize such facilities so the finished product will meet present-day standards and be comparable with newly constructed similar facilities is classified as renovation.

Redevelopment means the removal of obsolete facilities and construction of new ones.

Repairs and/or maintenance may be listed as a priority, but are not eligible for grant assistance.

Identify resources for meeting your needs (e.g., city funds, in-house labor, bonds, grants, donations, etc.), and include a proposed timeline for accomplishing the plan's priorities.

8. ILLUSTRATIONS, MAPS, SURVEYS, ETC.

Required: City or County map, or map of jurisdiction, as appropriate.

Include maps, surveys, charts, plates, graphics, and photographs in the plan which help explain and support your planning process and conclusions.

9. PROOF OF ADOPTION

Once plans are complete, the applicable governing body (city council, county commissioner's court, district or authority board) must pass a formal resolution (or ordinance) adopting the plan and list of priority needs.

10. PLAN DURATION AND FIVE YEAR UPDATE

Plans should cover a minimum ten-year period. If a plan is more than five years old, a brief summary of plan accomplishments to date, as well as applicable updates of demographics, goals and objectives, standards, and maps must be provided to enable the department to recognize and credit program progress. Any revision of priorities other than an update of accomplishments must present a new priority listing justified by additional public input along with a new resolution adopting the new priorities. Plans older than 10 years will be considered obsolete and new plans will be required.