



AGENDA
WATAUGA CITY COUNCIL
VIDEOCONFERENCE MEETING
MONDAY, JANUARY 4, 2021
6:00 PM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Joint Special Meeting of the City Council and Watauga Economic Development Corporation Board** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

If you wish to comment during the meeting, you may do so by registering using the form located at: <https://www.cowtx.org/comments>. You will have the option to join the virtual meeting and comment "live" at the appropriate time using a computer, Android device, iOS device and/or a phone. Or, you can provide your comments for public comment or items for action at the time of registration and they will be read into the record for you.

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Special City Council Meeting Registration - January 4, 2021

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This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a Regular City Council Meeting of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

Members of the public are invited and encouraged to attend all public meetings that are not closed to the public in accordance with the Texas Open Meetings Act. Public input is encouraged during Public Testimony, Public Hearings or Action sections of a meeting agenda. As authorized by the Executive Orders issued by the Texas Governor, the City is making special provisions to allow the public to comment at this meeting. The meeting will be hosted using WEBEX. "Live" participation is limited. A person desiring to comment "live," during the meeting must register in advance using this form. Once registered, citizens will be provided with the meeting link information on a first come, first served basis until all slots have been filled.

Citizens may also provide their comments in writing. ALL COMMENTS MUST BE RECEIVED NO LATER THAN 1 HOUR PRIOR TO THE MEETING. All written comments must comply with applicable decorum rules for comments made during a public meeting of the City Council to be read into the record. Up to three minutes shall be allotted for each written comment to be read into the record of the meeting. All timely comments will be read into the record of the meeting at the appropriate time during the meeting.

While reasonable efforts will be taken to gather comments received within the hour prior to the meeting or received during the meeting, all such comments are considered untimely and may not be recognized and read during the meeting.

First Name*

Last Name*

Address1*

“Live” meeting space is limited and will be provided on a first come, first served basis. If you select the “live” meeting option, the WEBEX meeting details will be emailed to you at the e mail address you provide during registration. You will be responsible for ensuring that you are available in the WEBEX meeting at the time public testimony is requested and that you have a microphone or have called in via telephone so that your comments can be heard.

A copy of the agenda packet for this meeting may be obtained here: <https://www.cowtx.org/1403/Agendas-and-Minutes>. A recording of this meeting will be made available on-line at the city's website as soon as practicable after the meeting.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Comment (for matters not posted on that particular meeting's agenda), members of the City Council and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the City Council as soon as practicable. Such report to the City Council shall not constitute a meeting called by the City Council nor shall it constitute deliberation or formal action. Individual citizens addressing the City Council during Public Comment shall not exceed three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Comment is not established to engage in a conversation with the Council and no formal Council action will be taken.

PUBLIC TESTIMONY FOR ACTION ITEMS Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on agenda items set for action (this doesn't include presentations or reports). The Chair shall ask each person requesting to speak to approach the podium when called to speak. Speakers time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the City Council may ask questions or discuss the item directly with the citizen during the citizen's testimony if necessary. Any discussion between a Council member and the citizen will not count toward the time limit and Council Members are encouraged not to speak until the citizen has first utilized their allocated time.

ACTION ITEMS

1. Discuss and consider action to authorize the City Manager to execute an agreement with The Texas A&M Engineering Extension Service for economic development training for leaders, elected and appointed officials
Andrea Gardner, City Manager
2. Consider action to approve a WEDC expenditure to contract with Lift Creations for the development and maintenance of the Watauga EDC website
Andrea Gardner, City Manager
3. Discuss and consider action to direct the selection of and authorize the City Manager to cast the City's 2021/2022 Texas Coalition for Affordable Power (TCAP) Board Ballot
Andrea Gardner, City Manager

EXECUTIVE SESSION / MEETING

The City Council will recess its open meeting and reconvene in executive session to discuss the following items pursuant to the below referenced section(s) of the Texas Government Code:

1. Sections 551.071 and §551.087 Deliberate upon and consult with the City Attorney on economic development negotiations for Smiley Transportation
Andrea Gardner, City Manager
2. Sections 551.071 to deliberate upon and consult with the City Attorney regarding harassment protections afforded to those serving the city
George Hyde, Legal
3. Section 551.071 Deliberate upon and consult with the City Attorney on upcoming election matters for the May 2021 General Election and related City Charter provisions
George Hyde, Legal
Andrea Gardner, City Manager
4. Section 551.071 and 551.072 to deliberate, seek legal advice and direct staff regarding the conveyance of real property located at 6050 Browning Blvd. Haltom City, TX 76148
Andrea Gardner, City Manager
5. Section 551.071 deliberate upon, seek legal advice from the City Attorney and direct staff regarding sales tax allocation related to property located at Bursey Road and Rufe Snow Drive, North Richland Hills, TX
Andrea Gardner, City Manager

RECONVENE

The City Council will return to open session in the City Council Chamber for possible discussion and action as a result of the Executive Session as follows:

ITEMS OF EXECUTIVE SESSION DELIBERATION:

1. Discuss and consider action on a resolution designating City representatives to manage and address harassment in the workplace complaint by appointed officials, and board and committee members of the city.

George Hyde, Legal

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

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

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on

an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Wednesday, December 30, 2020, before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.



Andrea Gardner, City Secretary





AGENDA MEMORANDUM

DATE: December 29, 2020

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and consider action to authorize the City Manager to execute an agreement with The Texas A&M Engineering Extension Service for economic development training for leaders, elected and appointed officials

BACKGROUND/INFORMATION:

City Administration scheduled economic development training for the PDC transitioning to WEDC Board Members and the City Council in early CY 2019 through Texas A&M Engineering Extension Service. To ensure proper education of officials making decisions on behalf of the City that have an impact on the future of Watauga, training is critical. Members of Boards and City Council have changed since the training was provided in 2019, thus training is necessary.

The tentative date for the training is March 2, 2021 at 630pm to be held in the Council Chambers. The training is recommended for the members of City Council, the WEDC Board Members, the Planning and Zoning Commission Members and the Zoning Board of Adjustment Members. The training will also prove to be valuable to the citizens of Watauga and those registered to attend Watauga 101 and seeking to participate in the Citizen's Focus Group.

FINANCIAL IMPLICATIONS:

The cost of the training is \$7,867. The training cost should be shared between the City and WEDC. Funds are budgeted in the General Fund budget and sufficient funds exist in the WEDC Budget to cover the WEDC's share of the total cost.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the City Council approve the Interlocal Agreement between the City of Watauga and the Texas A&M Engineering Extension Service for the purpose of conducting economic development training.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. WataugaCustomizedEDLeadershipTraining_65-101225

REVIEWED BY:

George Hyde, Legal

Approved - 12/30/2020



AGENDA MEMORANDUM

Sandra Gibson, Director of Finance
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 12/30/2020
Final Approval - 12/30/2020

**INTERLOCAL AGREEMENT
BY AND BETWEEN
City of Watauga, TX
AND
THE TEXAS A&M ENGINEERING EXTENSION SERVICE**

This Agreement ("Agreement") is between the Texas A&M Engineering Extension Service ("TEEX"), 200 Technology Way, College Station, TX 77845 and the City of Watauga ("Customer"), 7105 Whitley Road, Watauga, TX 76148 (collectively "the Parties") pursuant to the provisions of the Interlocal Cooperation Act, Chapter 791 of the *Texas Government Code*. The Parties agree as follows:

SECTION I. PURPOSE OF AGREEMENT

Provide customized economic development training for leaders and elected officials for the City of Watauga, TX.

SECTION II. RIGHTS AND OBLIGATIONS OF TEEX

See Attachment A – Statement of Services dated December 7, 2020.

SECTION III. RIGHTS AND OBLIGATIONS OF CUSTOMER

See Attachment A – Statement of Services dated December 7, 2020.

SECTION IV. TERM OF AGREEMENT

This Agreement is to begin the date of the last signature and shall terminate May 31, 2021. Either party may cancel this Agreement by giving 30 days' notice thereof to the other Party.

If this Agreement is not executed by all parties within 60 days of date of the first signature below, then this Agreement will be null and void and of no further effect.

SECTION V. PAYMENT FOR SERVICES

The total fixed fee amount of this agreement is: Seven Thousand and Eight Hundred Sixty-Seven Dollars (\$7,867.00).

Payment for services performed shall be billed in as follows: Lump Sum with payment due upon MOA execution.

Payment is due within thirty (30) days of invoice date.

All payments by the Parties made pursuant to this Agreement will be made from current revenues.

SECTION VI. NOTICES

Any notices required or permitted under this Agreement will be deemed given (a) three business days after it is sent by certified or registered mail, return receipt requested, (b) the next business day after it is sent by overnight carrier, (c) on the date sent by facsimile or email transmission with confirmation of transmission and receipt, if sent during the recipient's normal business hours and if not, on the next business day, or (d) on the date of delivery if delivered personally, in each case, addressed to the intended recipient at the address below or such other address as the intended recipient may specify in writing:



Contract Number: 65-101225

If to TEEX: Texas A&M Engineering Extension Service
Tracy Foster, Chief Financial Officer
200 Technology Way,
College Station, Texas 77845

If to Customer: City of Watauga
Andrea Gardner, City Manager
7105 Whitley Road
Watauga, TX 76148

SECTION VII. AUTHORITY

TEEX represents and warrants the following:

- A. The signer of this Agreement possesses the legal authority to execute this Agreement on behalf TEEX and to bind TEEX to the terms of this Agreement; and
- B. TEEX possesses full legal authority to enter into this Agreement and to perform its obligations under this Agreement.

Customer represents and warrants the following:

- A. The signer of this Agreement possesses the legal authority to execute this Agreement on behalf of Customer and to bind Customer to the terms of this Agreement; and
- B. Customer possesses full legal authority to enter into this Agreement and to perform its obligations under this Agreement.

SECTION VIII. NO WAIVER OF IMMUNITY

Neither Party waives any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

SECTION IX. EXPORT COMPLIANCE

Customer certifies that none of its Representatives participating in the training is a "restricted party" as listed on the Denied Persons List, Entity List, and Unverified List (U.S. Department of Commerce), the Debarred Parties Lists (U.S. Department of State), the Specially Designated Nationals and Blocked Persons List (U.S. Department of Treasury), or any similar governmental lists. However, Customer shall provide TEEX with names and citizenship information for all of Customer's Representatives participating in the training for purposes of additional due diligence.

SECTION X. GENERAL PROVISIONS

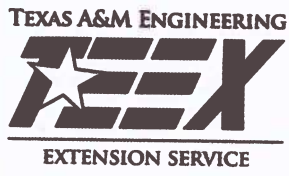
- A. This Agreement does not create a partnership or joint venture between the Parties. Neither Party may bind the other or otherwise act in any way as the representative of the other, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization. Employees of one Party are not employees of the



Contract Number: 65-101225

other, and neither Party's personnel are entitled or eligible, by reason of this contractual relationship, to participate in any benefits or privileges given or extended by the other Party to its employees.

- B. Customer may not use the name or any adaptation of the name of TEEX or any of its personnel in any way except in factual statements that, in context, are not misleading or imply an endorsement by TEEX or its employees.
 - C. This Agreement contains the entire understanding of the Parties as to its subject matter, and supersedes all other written and oral agreements between the Parties as to that subject matter. The Parties may execute other contracts, but those will not alter this Agreement unless expressly stated in writing. Each Party hereby objects to any different or additional terms on any purchase order, invoice, acknowledgement, or other form.
 - D. This Agreement is assignable only with the written consent of both Parties.
 - E. The failure of either Party at any time to require performance by the other Party of any provision of this Agreement will in no way affect the right to require such performance at any time thereafter nor will the waiver by either Party of a breach of any provision be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of the provision itself.
 - F. Each provision of this Agreement is severable. If any provision is rendered invalid or unenforceable by statute or regulations or declared null and void by any court of competent jurisdiction, the remaining provisions will remain in full force and effect if the essential terms of this Agreement remain valid, legal, and enforceable.
 - G. **USE OF PURCHASE ORDERS:** To the degree that either or both of the parties hereto find it convenient to employ their standard forms of purchase order or acknowledgment of order in administering the terms of this Agreement, it or they may do so but none of the terms and conditions printed or otherwise appearing on such form shall be applicable except to the extent that it specifies information required to be furnished by either party hereunder. The terms proposed by any such form are specifically objected to and shall not be used as a basis for any contract.
 - H. **Prohibition on Contracts with Companies Boycotting Israel:** To the extent that Texas Government Code, Chapter 2270 applies to this Agreement, the PROVIDER certifies it does not and will not, during the performance of this contract, boycott Israel. PROVIDER acknowledges this Agreement may be terminated if this certification is inaccurate.
 - I. **Certification Regarding Business with Certain Countries and Organizations:** Pursuant to Subchapter F, Chapter 2252, Texas Government Code, PROVIDER certifies it is not engaged in business with Iran, Sudan, or a foreign terrorist organization. PROVIDER acknowledges this Agreement may be terminated if this certification is inaccurate.
 - J. **Conflict of Interest:** By executing this Agreement, PROVIDER and each person signing on behalf of PROVIDER certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, that to the best of their knowledge and belief, no member of The A&M System or The A&M System Board of Regents, nor any employee, or person, whose salary is payable in whole or in part by The A&M System, has direct or indirect financial interest in the award of this Agreement, or in the services to which this Agreement relates, or in any of the profits, real or potential, thereof.
- If either Party fails to fulfill its obligations under this Agreement, when such failure is due to an act of God, or other circumstance beyond its reasonable control, including but not limited to fire, flood, civil commotion, riot, war, revolution, acts of foreign or domestic terrorism, or embargos, then the other Party shall excuse the failure for the duration of the event and for such a time as is reasonable to enable the Parties to resume performance under this Agreement, provided however, that in no event will such time extend for more than 30 days.**



Contract Number: 65-101225

EXECUTED IN DUPLICATE COPIES, EACH OF WHICH HAVE THE FORCE AND EFFECT OF AN ORIGINAL, THIS THE ____ DAY OF _____, 20__.

CUSTOMER:

Texas A&M Engineering Extension Service:

By: _____

Name: _____

Title: _____

Date: _____

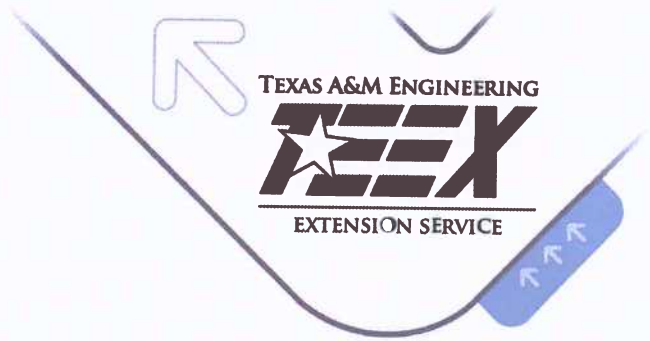
By:  _____

Name: Tracy Foster

Title: Chief Financial Officer

Date: 12/10/2020





Statement of Services to Provide Customized Economic Development Training for the City of Watauga, TX Leaders and Elected Officials

December 7, 2020

PREPARED FOR:

City of Watauga, TX

7105 Whitley Road
Watauga, TX 76148

POINT OF CONTACT:

Andrea Gardner
City Manager
(817) 881-0613

agardner@wataugatx.org

SUBMITTED BY:

Knowledge Engineering (KE)

Texas A&M Engineering Extension Service (TEEX)
200 Technology Way
College Station, TX 77845
(800) 541-7149
Fax (979) 458-6727

POINT OF CONTACT:

Lisa Mutchler
Program Director, Economic Development
(979) 324-1941

Lisa.mutchler@teex.tamu.edu



KNOWLEDGE
Engineering

City of Watauga, TX
Statement of Services for Customized Economic Development Training
for Leaders and Elected Officials

Page | 1



The City of Watauga, TX and its leaders will benefit from TEEX's experience supporting communities throughout Texas and from TEEX's access to the resources and specialized expertise. The leadership team will further benefit from TEEX's expertise in providing economic development training to numerous communities and organizations.

The City of Watauga, TX is committed to creating a fertile economic development climate and encouraging the orderly growth of Tarrant County. The City of Watauga and its leadership will improve its economic development expertise by selecting a partner to provide economic development training to local leadership.

Knowledge Engineering's economic development and community development unit of the Texas A&M Engineering Extension Service (TEEX) is pleased to submit the following response for Statement of Services response for a proposal requested to conduct a customized Economic Development training for non-economic development professionals.

STATEMENT OF SERVICES (SOS)

Based on discussions with Ms. Andrea Gardner, City Manager of the City of Watauga, TX, following is the summary of TEEX's understanding of Watauga's training needs:

1. Increase awareness of the importance and role Economic Development plays within the local community.
2. Increase awareness and importance of the business community's contributions.
3. Enhance understanding of the interdependence between the business community's contributions and the City's Economic Development arm.
4. Increase awareness of incubators and accelerators and their place within communities to spur economic growth.

Enhance Understanding of Economic Development

Watauga's leaders, board members, and city officials will increase their economic development expertise by attending a one and one-half hour customized workshop facilitated by TEEX Economic Development staff. City leaders are often required to participate in economic development planning and decision-making without necessarily having the experience or expertise to make informed decisions. This customized workshop will provide an overview of economic development, leadership's role, the importance of the business community's contributions, and the interdependence between these components. Likewise this course will also provide an overview of incubators and accelerators and their place within communities to spur economic growth. Through open discussion of community and business development opportunities, participants will begin to formulate ideas to promote economic growth. Attendees will gain knowledge of economic development practices and issues. Upon completion of the workshop, members will be better prepared to contribute to the City of Watauga's future strategic planning needs.

RELATED WORK

TEEX places particular emphasis on providing technical assistance to rural Texas, offering resources to communities with limited economic development expertise and the unique challenges associated with limited population, infrastructure, and access to industry. Following is a sampling of related TEEX Economic Development customers and the work performed:

The City of Watauga, TX will save time and investment by engaging TEEX's uniquely qualified team of economic developers and facilitators who have demonstrated ability to deliver quality economic development facilitation, training, and planning services for rural communities.

- City of Pharr Comprehensive Plan Update – Pharr, TX
- Gun Barrel City – Board Etiquette Training – Gun Barrel City, TX
- Waller County Comprehensive Strategic Plan – Waller County, TX
- Lake Jackson Competitiveness Study – Lake Jackson, TX
- Pharr EDC Economic Development Strategic Plan – Pharr, TX
- Pharr EDC Economic Development Local Leaders Training, Pharr, TX
- Weslaco EDC Economic Development Local Leaders Training – Weslaco, TX
- Gun Barrel City – Economic Development for Local Leaders Training – Gun Barrel City, TX
- South Texas Strategic Competitiveness Study Report through a Grant from Southwest Region Economic Development Administration, Austin, TX
- City of Cotulla Foreign Trade Zone (FTZ) Study, Cotulla, TX
- Laredo Development Foundation, Business Retention, Expansion, Attraction Strategy – Laredo, TX
- City of Watauga Economic Development – Economic Development for Local Leaders Training, Watauga, TX
- Brady Economic Development Corporation – Economic Development for Local Leaders
- City of Navasota Economic Development – Economic Development for Local Leaders
- Refugio County Development Foundation - Economic Development for Local Leaders Training, Refugio, TX
- Texas A&M University – Kingsville, Javelina Innovation Lab (JIL) Development, Kingsville, TX
- Winnsboro EDC Economic Development for Local Leaders – Winnsboro, TX
- City of Gun Barrel City Strategic Plan Facilitation – Gun Barrel City, TX
- Big Lake Competitive Assessment Study – Big Lake, TX
- Pilot Point EDC Economic Development for Local Leaders Training, Pilot Point, TX
- Taylor Community and Economic Development Initiative, Taylor, TX
- City of Cotulla Economic Impact Study – Cotulla, TX
- City of Texarkana Baseline Assessment – Texarkana, TX
- Phase II – Community Economic Development Strategy, Jacksboro, TX
- Community Economic Development Strategy, Blue Ridge, TX
- Community Economic Development Strategy, Hico, TX
- Community Economic Development Strategy, Kendleton, TX
- University Based Economic Development Strategy, Prairie View, TX

- Community Economic Development Strategy, Jacksboro, TX
- Comprehensive Economic Development Strategy, Bridgeport, TX
- Economic Development for Local Leaders, Early, TX
- Community Economic Development Strategy, Chandler, TX
- Permian Basin Comprehensive Economic Development Strategy, Midland, TX
- Research Valley Partnership Integrated Strategic Plan, College Station, TX
- Bastrop Convention/Civic Center Economic Impact and Marketing Study

BUDGET

The City of Watauga, TX is positioning itself to ensure the greatest potential for economic growth and prosperity by having knowledgeable leaders working towards its long-range goals. With these factors in mind, TEEX seeks to assist the City of Watauga and its leaders in organizing, planning, and preparing for its local economic future.

The total fixed price for delivering this training is \$7,867. The full amount is due upon contract execution.

We ask that you consider this proposal valid for 30 days from the date of submission (receipt via email) as our staffing requirements change with other funded projects.

TEEX understands that each community has unique needs, assets and challenges, and with broad based and diverse community participation, a comprehensive plan will emerge that speaks to those special qualities.

TEEX

TEEX is a member of The Texas A&M University System, one of the largest and most complex systems of higher education in the United States. Through a statewide network of 11 university campuses, eight state agencies and a comprehensive health science center, the A&M System educates more than 125,000 students, conducts more than \$780 million in research and reaches another 22 million people through service and outreach programs each year.

With roots that can be traced back more than 80 years, TEEX's goals include protecting people and the environment, building a safe, modern infrastructure, providing technical training, and promoting economic development. The agency's ongoing efforts have resulted in cleaner drinking water, better roads and infrastructure, safer workplaces and improved public safety, and security through the training of law enforcement officers, firefighters, and search and rescue personnel, as well as the impact of these sectors on the economy of the state.

The Knowledge Engineering division's mission is to assist our customers to understand specific aspects of their operations, as well as enhance their value proposition. We seek to create solutions to meet the customer's unique needs.

PROJECT TEAM

TEEX Knowledge Engineering consistently provides reliable, quality planning services to both private sector clients and government entities. Our team of economic development, business solution, and planning specialists work throughout Texas to provide local, county, and regional economic development organizations, governments, and private industry with practical and relevant economic and business strategies.

Lisa Mutchler, Economic & Workforce Development Program Director

Lisa Mutchler manages the Economic & Workforce Development Program within TEEX's Knowledge Engineering Division. In this capacity, she directs technical assistance to communities and economic development organizations throughout Texas. Lisa has eighteen years' experience in economic, workforce, and business development and twenty-four years' experience in project management. Lisa facilitates Economic Development Strategies and teaches modules in the Economic Development for Local Leaders Training Program.

Before joining TEEX, Lisa served as the program manager with the Texas Health and Human Services Commission where she oversaw operations in an eleven-county area of Central Texas working with local, county and state officials. Ms. Mutchler holds a Bachelor of Science degree in Agriculture Economics from Texas A&M University, and is a graduate of the TEEX Basic Economic Development Course (BEDC).



AGENDA MEMORANDUM

DATE: December 29, 2020

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

THROUGH:

SUBJECT: Consider action to approve a WEDC expenditure to contract with Lift Creations for the development and maintenance of the Watauga EDC website

BACKGROUND/INFORMATION:

During the December 15, 2020, WEDC meeting, City staff discussed options to establish a separate website from the City's website dedicated to the WEDC and supporting local business and new business attraction efforts. Staff reviewed two proposals with the WEDC Board, Civic Plus and Lift Creations. Civic Plus is the software product utilized for the City's website and Lift Creations is a Fort Worth based business that provides website design and maintenance services to various businesses. The WEDC Board directed the Executive Director to move forward with creating a separate website and contracting with Lift Creations for the design and maintenance of website.

FINANCIAL IMPLICATIONS:

The estimated cost is \$7500 to design and \$250 per month for basic website updates/maintenance. The contract term is month to month with a 60 day out provision.

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council approve the contract between the WEDC and Lift Creations for a WEDC website design and maintenance of the website.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

None

REVIEWED BY:

George Hyde, Legal

Sandra Gibson, Director of Finance

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 12/30/2020

Approved - 12/30/2020

Final Approval - 12/30/2020



AGENDA MEMORANDUM

DATE: December 30, 2020

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and consider action to direct the selection of and authorize the City Manager to cast the City's 2021/2022 Texas Coalition for Affordable Power (TCAP) Board Ballot

BACKGROUND/INFORMATION:

City Administration received the 2021/2022 TCAP Board Ballot on December 29, 2020. The odd numbered places (1,3,5,7,9,11, 13 and 15) on the Board and one unexpired term for Place 10 require action. The ballots must be completed and returned by 5pm on January 6, 2021.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council authorize the City Manager to submit a completed 2021/2022 TCAP Board Ballot on behalf of the City of Watauga.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. 2021 TCAP BOARD BALLOT

REVIEWED BY:

George Hyde, Legal
Andrea Gardner, City Manager

Approved - 12/30/2020
Final Approval - 12/30/2020

Approved as to form for inclusion on Agenda

2021/2022 TCAP Board Ballot

BALLOT – 2021/2022 TCAP BOARD OF DIRECTORS

Instructions for Voting:

Only one ballot per member city/entity. The member representative is entitled to cast nine for the eight current positions and one special election position to be filled. **PLEASE BE SURE THAT NO MORE THAN NINE CANDIDATES HAVE BEEN CHECKED! Ballots with more than nine cast votes will be rejected.** No more than one vote may be cast for the same nominee. Places 1, 3, and 5 will be filled by the three candidates in the high consumption (HC) category receiving the most votes. Places 7 and 9 will be filled by the candidate in the medium consumption (MC) category receiving the most votes. Place 11 will be filled by the candidate in the low consumption (LC) category receiving the most votes. Places 13 and 15 will be filled by the two candidates receiving the most votes but who were not elected to a particular consumption category. The exception to this rule is the requirement in TCAP Bylaws that stipulates the board of directors include at least one member from each of the four ERCOT zones (North, South, West, and Houston). Nominees who are incumbents (I) are noted on the ballot.

After the eight positions are filled, the next highest low consumption candidate will be placed in the unexpired Place 10 term.

(Vote for nine)

Names were randomly drawn for ballot order

☐ Steve Harris, Walnut Creek SUD – LC	☐ Michael Marrero, Odessa - HC (I)
☐ Chris Steubing, Sugar Land – HC (I)	☐ Mark Dempsey, Grand Prairie – HC (I)
☐ George Rivera, Palm Valley - LC	☐ Richard Cortez, Hidalgo County - HC
☐ Carey D. Neal, Jr., Lancaster - MC	☐ Gary Broz, Edna – LC
☐ Gabriel Gonzalez, Harlingen –HC	☐ Clayton Fulton, Hurst - MC
☐ Clifford Howard, Lewisville – HC (I)	☐ Gilbert P. Reyna, Jr., Victoria- HC (I)
☐ Richard Summerlin, Duncanville – MC (I)	☐ Kevin Carruth, Rockport- LC (I)
☐ Gary Allsup, Corpus Christi Housing - LC	

Submitted by (MUST BE COMPLETED):

Please complete and return by **5 p.m. C.S.T.,**

Wednesday, January 6, 2021 to:

Janet DeVault, TCAP Secretary
15455 Dallas Parkway, Suite 600
Addison, TX 75001
or jdevault@tcaptx.com

Printed Name

☐

Signature

Member City/Entity:

2021/2022 TCAP Board Biographies

(alphabetical order)



Gary Allsup, Corpus Christi Housing Authority

Gary brought an entrepreneurial leadership style when he joined CCHA as the President & CEO in November 2011 where he is responsible for all operations of CCHA and each of the Affiliates. CCHA and its Affiliates own and operate over 2,200 apartment units, serve as general partner and manager of three LIHTC developments, and administer over 3,800 housing vouchers. Gary and his team have also developed an innovative single-family home building program that offers moderately-priced homeownership and rental homes for in the extremely tight Corpus Christi housing market. Before joining CCHA, Gary served five years as of the Kansas Housing Resources Corporation's Executive Director and three years with the Missouri Housing Development Corporation before that. In all Gary brings nearly 20 years housing experience and well over 30 years of state and local government leadership. Gary is married to Sherrie, who speaks nationally promoting the awareness and prevention of sexual abuse and suicide. Gary and Sherrie have 4 children and 4 grandchildren in Arizona and Kansas.



Gary Broz, City of Edna

Gary was born on September 15, 1955 in San Angelo, Texas. Gary and his siblings grew up in San Angelo. He graduated from Paint Rock High School. Gary went onto college in Sul Ross State University in Alpine, Texas where he graduated in 1977 with a bachelor's degree.

After school, came back home to the family farm and ranch. Mid 1980's were bad farming years. He went to work outside the family farm as General Manager at Paint Rock Wool Warehouse where they brokered wool, lamb feed lot, general store and automotive center.

In 1987, Gary went to work for the City of Brady. He began as Purchasing Agent moved up to Director of Public Works. He soon became Assistant to the City Manager, then Assistant City Manager and was promoted to City Manager in 1997.

After leaving Brady in November 2000 and accepted the position as City Manager in Port Lavaca where he worked there until November 2009. Gary and his wife moved to Liberty. He continued his career as City Manager in Liberty until retirement in 2018. After retiring, he and his wife, moved outside Columbus, Texas to start enjoying retirement. In July 2018, Gary was asked to be the City Manager in Eagle Lake, Texas where he worked until May 2019. The City of Edna proudly hired Gary to be their City Manager where he is now.

Gary has been married to Georgia for forty-one (41) years. They have two children. Their daughter, Shawna and her husband live in Ganado, Texas while son, Jonathan and grandson live in Port Lavaca, Texas.

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(alphabetical order)



Kevin Carruth, City of Rockport

Lubbock native Kevin Carruth has over 30 years of experience in local government and has served as Rockport's City Manager for the last nine years. In the previous 20 years he also served as City Manager in the Texas cities of Brownwood, Daingerfield, Hillsboro, Paris, and Prosper. Prior to entering city management, he was the Senior Program Analyst and Emergency Management

Coordinator for Harris County Housing & Community Development Agency for over five years and served as an elected official on the Board of Directors for Ft. Bend Municipal Utility District No. 41 in Sugar Land for over two years.

Kevin earned a BA from Texas Tech University in Political Science and English and a MA from the University of Houston in Public Administration. He is also one of 82 active International City/County Management Association Credentialed Managers in Texas and has served on several Texas Municipal League and Texas City Management Association (TCMA) committees, including those responsible for ethics and legislative policies. He is a past member of the TCMA Board of Directors and has served on the TCAP Board since January 2018.

His path to law school and a career in the Foreign Service took a detour in graduate school when he followed his girlfriend to Houston. He has been married to his girlfriend Shawn for 26 years and they are the proud parents of 20-year-old Spencer and 16-year-old Kaitlyn. All members of the family are active in church, community, and school activities.



Richard Cortez, Hidalgo County

Judge Richard F. Cortez took office as Hidalgo County Judge on January 2, 2019. He is a retired Certified Public Accountant and a Certified Valuation Analyst (CPA/CVA).

After receiving his CPA license in 1973, Judge Cortez became a partner with other CPAs and continued practicing public accounting. In 1994, he began providing consulting services, assisting parties in litigation by assisting and determining economic damages. He has been involved in hundreds of cases in federal, state and bankruptcy courts. Judge Cortez has been appointed receiver, special auditor, accountant, and business valuator by various state district courts.

Judge Cortez has devoted considerable time for the betterment of the accounting profession: he has held various positions, including president of the Local Rio Grande Valley Chapter of the Texas Society of CPAs. He has performed business valuations for various industries and companies of all sizes.

He has taught a graduate-level course in Forensic Accounting at the University of Texas-Pan American.

Judge Cortez was elected the eighteenth Mayor of the City of McAllen. He was re-elected for a second four-year term in May of 2009. Since he became Mayor, the City continues to create significant assets and accumulated substantial economic reserves. A \$53 million convention center was constructed with no borrowed funds. A new international bridge was constructed, various city parks were built or improved, the McAllen Miller International Airport was expanded, an Arts District and an Entertainment District were created, a Historic Preservation Ordinance was enacted, a Youth Advisory Council was formed, various programs to benefit youth and senior citizens were established, and the city undertook the environment- friendly technologies of "Going

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(alphabetical order)

Green.” The city’s fund balance exceeded \$225 million, and the tax rate did not increase during his term as mayor.

Judge Cortez also served as McAllen City Commissioner-District 1, elected in 2015, and continued to serve until he gave up his seat to run for Hidalgo County Judge.



Mark Dempsey, City of Grand Prairie

Mark Dempsey is a Deputy City Attorney for the City of Grand Prairie. Prior to joining the City in 2017, he served as an assistant and deputy city attorney for the City of Garland for almost 30 years, having been extensively involved with electric utility and regulatory matters in connection with providing legal services to Garland’s municipally owned electric utility. He is a current member of the TCAP board, having been elected in 2018.

Mark’s current duties include providing legal counsel during meetings of the Planning and Zoning Commission and Board of Adjustment, as well as providing legal advice and services to the City and its departments on various matters including utility and regulatory matters, zoning and land use, municipal and environmental law, eminent domain, telecommunications, purchasing, civil service, open records, contracts, right of way management, and related matters.



Clayton Fulton, City of Hurst

Clayton Fulton graduated with a Master’s in Public Administration from the George W. Romney Institute of Public Service and Ethics in Brigham Young University’s Marriott School of Management in 2008 with an emphasis in local government and financial analysis. Upon graduation he received the Stuart L. Grow award from the MPA program for integrity, academic excellence, concern for others, and devotion to public service. Clayton has also received a bachelor’s degree from BYU in Sociology, holds associates degrees in Business and General Studies, completed the Texas Tech Institute of Governmental Finance and is a Certified Government Finance Officer.

Clayton has been working for the City of Hurst since October 2016 and was promoted to ACM in early 2019. Clayton has been instrumental in incorporating the Council’s strategic priorities into the annual budget process and oversees Finance, Information Technology, Public Works, Utility Billing, and Solid Waste Services. He also partners with Atmos and Oncor for any customer issues faced by the citizens and coordinating on rate cases that involve the City. Prior to working for the City of Hurst, Mr. Fulton worked as the Finance Director for the City of Anna overseeing all financial operations for the city as well as managing the municipal court, utility billing, information technology, and human resource operations for the City. Mr. Fulton brought the GFOA distinguished budget award to the City of Anna and also received recognition from the State of Texas Comptroller’s Office for financial transparency.

Clayton has also held positions with the State of Utah’s Division of Housing and Community Development where he developed increasing responsibility over the execution and management of various Federal HUD, USDA, and HHS grants in addition to overseeing additional State grant programs. In his spare time he volunteers with his church and enjoys spending time in the great outdoors and finding adventure in everyday life. Clayton lives in NRH with his wife and 5 children.

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(alphabetical order)



Gabriel Gonzalez, City of Harlingen

Gabriel Gonzalez has served in local government for 33 years. He is currently the Assistant City Manager for the City of Harlingen and has served in that capacity for 20 years. He served on the TCAP Board of Directors for three years from 2014-2016. He previously served on the Board of Directors for the South Texas Aggregation Project before the organization merged into TCAP. He began his government career with the City of Brownsville. He then went on to the City of San Benito where he served as City Manager for three years before joining the City of Harlingen. He is a graduate of the University of Texas at Austin with a BA in Economics. He has served as President for TCMA Region 10 and on the TCMA State Board of Directors. He currently serves as a Board Member on the South Texas Emergency Care Foundation Board of Directors, an organization that provides emergency ground and air transportation services to nine cities within Cameron County.



Steve Harris, Walnut Creek Special Utility District

Steve Harris is the General Manager of Walnut Creek SUD, a public water utility that serves customers in rural areas of Parker and Wise Counties. Steve has been with Walnut Creek SUD since 2015. Steve has 32 years' experience serving on boards of electric generation and distribution companies.

Steve is the owner of Harris Welding and Construction Company, a construction company working in the oil and gas industry and heavy highway bridge construction. He is also the owner and operator of farm and ranch operation in Wise and Parker Counties.

Other board service includes 10 years serving on Central Appraisal District board and various charitable and volunteer community boards.



Clifford Howard, City of Lewisville

Clifford Howard is the Fiscal Services Manager for the City of Lewisville and has served the City's Finance Department in multiple capacities in his 32 years of service. Clifford's area of expertise is utility rate studies, utility collection and billing services, as well as banking and investments.

For the past 16 years, Clifford has served on the Dallas Water Utility Cost of Service rate subcommittee. Prior to being elected to the Texas Coalition for Affordable Power Board (TCAP) he served TCAP on their Technology committee. Since joining the TCAP Board he has served every year on the Finance committee. He is an active member of the Government Finance Officers Association, Government Finance Officers Association of Texas, and Government Treasurers' Organization of Texas.

Clifford is a graduate of Midwestern State University in Wichita Falls and holds a Bachelor's degree in Accounting.



Michael Marrero, City of Odessa

Michael Marrero is the City Manager for the City of Odessa. He has been with the City of Odessa since 1995. Mr. Marrero was named City Manager in May 2018. Prior to his current role as City Manager, he served as Deputy City Manager, Assistant City Manager and Community Development Director. As City Manager, Mr. Marrero is responsible for all municipal functions for the City of

Odessa. Mr. Marrero reports to a seven-member city council, and he serves as the chief executive

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(alphabetical order)

officer for the municipal organization, providing direction to approximately 1,000 city employees across several departments and divisions.

Michael received his B.A. from the University of Texas Permian Basin in Political Science and has also received a Masters in Public Administration from Sul Ross State University. Mr. Marrero has been involved with several local not for profit organizations in Odessa and is also a member of the International City Manager's Association and the Texas City Manager's Association. Mr. Marrero has served on the board of TCAP since May of 2018.



Carey D. Neal, Jr., City of Lancaster

Carey joined the City of Lancaster in July of 2019. He obtained a Bachelor of Science degree from the University of Texas at Arlington, and will obtain a Masters in Public Administration from American University -Washington D.C. in December of 2020. Prior to joining the City of Lancaster, Carey worked for seven years as a Human Resources Director for Walmart Stores Inc. His passion for public service began with an internship opportunity for State Representative Yvonne Davis.

Carey is responsible for the operations of Airport, Country View Golf Club, Public Relations, Sanitation, Utility Billing, Purchasing, Municipal Court, Library Services, Parks and Recreation, and Public Improvement Districts (PIDS).

Carey is a member of several professional organizations such as: the International City/County Management Association (ICMA), Emerging Local Government Leaders (ELGL), National Forum for Black Public Administrators (NFBPA), North Texas City Management Association (NTCMA), and an Executive Board Member and Chair of the Special Event Committee for Urban Management Assistant of North Texas (UMANT). Carey also volunteers with Dallas ISD, Big Brother Big Sister of America, Lancaster Lions Club and Public Administration Student Association.



Gilbert P. Reyna, Jr., City of Victoria

Graduating Cum Laude from the University of Houston in Houston with a Bachelor of Accounting Degree, I obtained my Certified Public Accountant certificate in September 1988, 2 years after completing college.

In 1986 I began employment with the accounting firm, Harrison, Waldrop & Uherek (HWU), an accounting firm which consists of 15-19 professionals, serving as an Audit Manager, in charge of several large government entities, private and public enterprises. I remained with HWU until January 1995 when I was hired as the Assistant Director of Finance for the City of Victoria. One year later, I was appointed as the City of Victoria Director of Finance; also serving as the treasurer of the Victoria Sales Tax Development Corporation (VSTDC). In August 2020, I was appointed Chief Financial Officer for the City of Victoria and remain the treasurer of the VSTDC. For the period March 2009 until October 2009 I acted as interim representative to ERCOT.

I was a board member of STAP representing the City of Victoria from March 2009 until the end of 2010, at which time I was elected to the TCAP board. I have served on the board of TCAP for the terms of January 2011 through December 2020.

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George Rivera, City of Palm Valley

George was first elected as Mayor for the City of Palm Valley in May 2015. He is currently in his 3rd term. He is employed by United Parcel Service (UPS) as the Mexico Country Manager for UPS Freight. George is a Board Member on the Lower Rio Grande Valley Development Council (LRGVDC), Chair - LRGVDC Small Cities Coalition Committee, Board Member - TML Small Cities Advisory Council. George holds a Bachelor of Science degree in Business Management and is a veteran of the US Air Force.



Chris Steubing, P.E., CFM, City of Sugar Land

Chris Steubing, P.E., CFM, Assistant City Manager is a professional engineer with 24 years of city, county and private-sector experience in the field of engineering, program/project management and construction management. He was named assistant city manager in May of 2017 and leads the City of Sugar Land as the Chief Operating Officer constantly working to improve efficiency, performance and accountability within the organization. Prior to this, he served as Sugar Land's city engineer from December 2006, providing oversight of new development, construction of civil infrastructure, development and delivery of the capital improvement program, floodplain administration oversight, thoroughfare planning and land acquisition.

He provided leadership and oversight for the delivery of the Smart Financial Centre at Sugar Land, the largest capital improvement project in the City's history, and is currently overseeing the City's initiatives as executive sponsor for a new Enterprise Resource Program (ERP) and the Asset Management Program.

Prior to Sugar Land, Steubing spent the first 10 years of his career in the Dallas/Fort Worth area in leadership positions with Denton County, the cities of Decatur and Colleyville and Racetrac Petroleum.

He received a bachelor's degree in civil engineering from Texas A&M University in 1996, earned a Texas engineering license in 2002, became a certified floodplain administrator in 2004 and completed the LBJ School of Public Affairs Public Executive Institute in April 2016. He currently serves as a board member for the Texas Coalition for Affordable Power and is a member of the several professional organizations representing the fields of engineering, city management and floodplain administration.



Richard Summerlin, CPA, CGFO, City of Duncanville

Richard graduated from UT-Arlington in 1982 with a BBA Accounting Degree and is a CPA, and a CGFO (Certified Government Finance Officer). Richard started his career in public accounting as an auditor at KPMG in Ft. Worth and worked as a Controller in the private sector for 7 years. He started his public career with the City of Dallas where he served for 15 years in the City Controller's Office. He has worked for the City of Duncanville for 14 years and is currently the Finance Director overseeing the City's Accounting, Budget, Utility Billing, Purchasing, and Municipal Court. For the last 14 consecutive years, the City of Duncanville has received the GFOA Excellence in Financial Reporting Award under Richard's leadership. Richard is a member of the UT-Arlington Accounting Alumni Group, the KPMG Alumni Group, and an active member in GFOAT. He serves on the Dallas Water Rate Study Sub-Committee as well as on the TRA Advisory Board for the Central and Ten Mile Creek

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(alphabetical order)

Plants. Richard also serves on the TRA Advisory Board for Joe Pool Lake, the ONCOR and ATMOS Cities Executive Steering Committee, and the Board of Directors of the Arlington Vineyard Church. He has also been elected and served two two-year terms on the Board of Directors of Texas Coalition for Affordable Power in the medium consumption category.



AGENDA MEMORANDUM

DATE: December 30, 2020

TO: Honorable City Council Members

FROM: George Hyde, Legal

SUBJECT: Discuss and consider action on a resolution designating City representatives to manage and address harassment in the workplace complaint by appointed officials, and board and committee members of the city.

BACKGROUND/INFORMATION:

The City of Watauga it provides a harassment free workplace as outlined in the attached personnel policy, Policy 10.08 to not only its employees but its appointed officials and board and committee members of the city. The Human Resources Department, Watauga Police Department, City Legal, the Watauga City Council and WEDC Board have been informed of unwanted behavior exhibited towards at least one appointed official serving both the City Council and several boards and committees. The latest harassment occurred as late as December 17, 2020. There are currently no procedures in place to manage and address non-employee harassment and we suggest extending those protections to all appointed officials and board and committee members of the city and develop a method to administer the protections to ensure a harassment free municipal organization protecting all in the service of the municipality from unwelcome harassment.

In an effort to prevent address harassment, City Legal has prepared and will present a resolution for consideration at the meeting.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City Legal respectfully recommends the City Council approve resolution No. 2021-003 to address any harassment against those in service of the municipality.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. 10.08

REVIEWED BY:

Marcia Reyna, Human Resources and Civil Service Director Approved - 12/29/2020

George Hyde, Legal

Approved - 12/30/2020

Andrea Gardner, City Manager

Final Approval - 12/30/2020



AGENDA MEMORANDUM

Approved as to form for inclusion on Agenda



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Harassment-Free Workplace
INITIAL EFFECTIVE DATE	January 23, 2017
LAST REVISION DATE	Replaces <i>Section 13.13</i> of the Personnel, Administration and Financial Policies and Procedures Manual approved on February 24, 2014 and City Manager's Administrative Order Number 1 covering Anti-Nepotism established on December 18, 2002.
POLICY NUMBER	10.08

OBJECTIVE The purpose of this policy is to establish a harassment-free workplace and set forth the procedures by which the City will address and process harassment complaints. The City of Watauga prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

SCOPE This policy applies to all employees.

POLICY

A. Definitions

1. Harassment: Objectionable conduct, comment or display that demeans, belittles, or causes personal humiliation based on a person's race, national or ethnic origin, color, religion, sexual orientation, age, sex, gender identity, genetic information, disability or veteran status. This includes physical contact (e.g., touching, pushing), comments (e.g., slurs, jokes, name-calling), or displays (e.g., posters, cartoons).

Behavior or conduct can rise to the level of harassment if it results in one of the following:

- a. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
 - b. Has the purpose or effect of interfering with an employee's work performance; or
 - c. Adversely affects an employee's employment opportunities.
2. Sexual Harassment: For the purposes of this policy, sexual harassment is defined as in the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: a) quid pro quo and 2) hostile work environment. Sexual harassment can be physical and psychological in nature.

"Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions.

"Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers.

B. Policies and Procedures

The City of Watauga prohibits all forms of harassment and maintains a policy that all employees shall be treated with respect. Allegations of any type of harassment identified below will be taken seriously and, if substantiated, will be addressed through appropriate disciplinary actions.

1. Workplace Duties and Responsibilities

- a. It is the responsibility of each employee of the City of Watauga to engage in and promote workplace behaviors that create and maintain an environment of respect.
- b. Any employee who believes that he or she has been harassed based on race, national or ethnic origin, color, religious beliefs, sexual orientation, age, sex, gender identity, genetic information, disability or veteran status should file a formal or informal complaint as discussed under Section 3 below.
- c. Any employee who observes behavior that appears to violate another employee's race, national or ethnic origin, color, religious beliefs, sexual orientation, age, sex, gender identity, genetic information, disability or veteran status should immediately notify their supervisor.
- d. All employees have a responsibility to cooperate in the investigation of a harassment complaint.

2. Employer's Duty to Correct

All Supervisors, Managers, Department Directors and Administrators are expected to prevent and correct harassment in the workplace. Any employee with management responsibility who becomes aware of harassment in their work area must take corrective steps whether or not a formal complaint has been filed. For areas not within their immediate workplace, managers must notify their next level supervisor. Managers who fail to properly address harassment in their workplace may be disciplined up to and including termination of employment. This policy is not intended nor should it be applied to limit a manager's ability to manage the workplace. It will be the ongoing responsibility of the Department Director or their designee to monitor work areas for inappropriate action, comments or display and take necessary action.

3. Complaint Review Procedures

a. Informal Complaint Procedure

If an employee feels that they are being harassed based on the areas noted in this policy, they are encouraged to resolve the matter as soon as possible by addressing the issue(s) with the offending party. If unable to resolve the issue(s) directly with the offending party, the harassed employee shall report the matter to their supervisor or manager. If still unresolved, the employee may speak with their Department Director.

b. Formal Complaint Procedure

If the informal process is not successful or is not pursued, the harassed employee may file a formal complaint with the Human Resources Department.

Investigations will be conducted by the Human Resources Director.

The Human Resources Department is responsible for processing harassment complaints. Formal complaints submitted to Human Resources must be in writing and specific as to the facts and date(s) to allow effective and thorough investigation by the City. ***See Appendix A for the Harassment-Free Workplace Complaint Form.***

Each formal harassment complaint will be investigated. Upon request by the complaining party, a representative of the same sex may be assigned to follow-up with the complainant in cases involving allegations of sexual harassment. At the discretion of the investigator, interviews may be recorded in written, audio, and/or video format.

To the extent possible, all information concerning a harassment complaint will be treated as confidential. The content of a harassment complaint will not be disclosed except as a part of the investigative process, to those who have a need to know or as required by law.

The alleged offending party may provide a written response to the allegation(s) within ten (10) business days of receiving the complaint.

After consulting with Human Resources, the Department Director may place the alleged offending party and/or complaining party on administrative leave with pay pending the completion of the investigation.

Within fourteen (14) business days of concluding the investigation, Human Resources will provide the City Manager and Department Director a report as to the validity of the complaint.

Withdrawal of a complaint will not necessarily end an investigation. The City may pursue an investigation with or without a pending complaint.

Within ten (10) business days of receiving the Human Resources Department's report of harassment, the Department Director will take appropriate disciplinary action with approval of the City Manager. Human Resources may extend the ten (10) day deadline if necessary.

The complaining party and the alleged offending party will be provided a written notification of the Department Head's decision.

C. False or Frivolous Complaints

Complaints found to be fabricated, frivolous, or made in bad faith will not be tolerated and subsequent disciplinary action up to and including termination may result.

D. Retaliation

Every employee has the right to report, in good faith, incidents of discrimination/harassment or inappropriate behavior without fear of retaliation. Retaliation by any person against anyone involved in the informal or formal complaint process will not be tolerated and may result in discipline, up to and including dismissal.

E. Workplace Relationships

Employees who desire to have a relationship outside of the workplace must maintain a professional work environment. Relationships involving personnel in different levels of the chain of command must be reported to the Department Director. Because of potential issues regarding quid pro quo harassment, The City of Watauga has made reporting mandatory. The City Manager and Human Resources Director will determine if any action is needed to maintain a sound professional work environment.