

RESOLUTION 2013-01

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY THROUGH THE TEXAS RANGER DIVISION FOR THE LOCAL BORDER SECURITY PROGRAM (LBSP); ACCEPTING THE 2013 LBSP GRANT FUNDS AWARDED; AND DESIGNATING OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT AND OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF LA FERIA, TEXAS AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR THE LBSP.

WHEREAS, the City Commission of the City of La FERIA finds it in the best interest of the citizens of La FERIA, Texas, that the City of La FERIA participate in the Local Border Security Program FY 2013; and

WHEREAS, the City Commission of the City of La FERIA, Texas, understands that there are no matching funds required for the Local Border Security Program FY 2013; and

WHEREAS, City Manager Sunny K. Philip is hereby designated as the grantee's authorized official; and

WHEREAS, the City Commission of the City of La FERIA, Texas, agrees to comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise each person. This prohibition shall not prohibit the employment of a person, who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree; and

WHEREAS, the City Commission of the City of La FERIA, Texas, agrees to insure that all information collected, assembled, or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law; and

WHEREAS, the City Commission of the City of La FERIA, Texas, agrees to comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution; and

WHEREAS, the City Commission of the City of La FERIA, Texas, agrees to comply with Section § 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments; and

WHEREAS, the City Commission of the City of La Feria, Texas, agrees it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

WHEREAS, the City Commission of the City of La Feria, Texas, agrees the City of La Feria Police Department must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 1701, Texas Occupations Code or must provide the grantor agency with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules; and

WHEREAS, the City Commission of the City of La Feria, Texas, agrees when incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local sub recipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met; and

WHEREAS, the City Commission of the City of La Feria, Texas, agrees to comply with the Texas Family Code, Section § 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services; and

WHEREAS, the City Commission of the City of La Feria, Texas, agrees to comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms; and

WHEREAS, the City Commission of the City of La Feria, Texas, agrees to comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program; and

WHEREAS, the City Commission of the City of La Feria, Texas, certifies that is and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224; and

WHEREAS, the City Commission of the City of La Feria, Texas, agrees to adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. § 85.001, *et seq*; and

WHEREAS, the City Commission of the City of La Feria, Texas, has the legal authority to apply for State assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure proper planning, management and completion of the project described in this application; and

WHEREAS, the City Commission of the City of La Feria, Texas, will give the awarding agency, the State Comptroller, and if applicable, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives; and

WHEREAS, the City Commission of the City of La Feria, Texas, will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain; and

WHEREAS, the City Commission of the City of La Feria, Texas, will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency; and

WHEREAS, the City Commission of the City of La Feria, Texas, certifies that it will provide a drug-free workplace by;

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- B. Establish a drug-free awareness program to inform employees about:
 1. the dangers of drug abuse in the workplace;
 2. the applicant's policy of maintaining a drug-free workplace;
 3. any available drug counseling, rehabilitation, and employee assistance programs; and
 4. the penalties that may be imposed upon employees for drug abuse violations.
- C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (A).
- D. Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant, the employee will:
 1. abide by the terms of the statement, and
 2. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
- E. Notifying the agency within ten days after receiving notice under subparagraph (D) (2) from an employee or otherwise receiving actual notice of such conviction.
- F. Taking one of the following actions with respect to any employee who is so convicted:
 1. taking appropriate personnel action against such an employee, up to and including termination; or
 2. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such

purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

- G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (A), (B), (C), (D), (E), and (F); and

WHEREAS, the City Commission of the City of La Feria, Texas, certifies:

- A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption, of any law, regulation or policy, at any level of government.
- B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it will notify the Governor's Division of Emergency Management to obtain the appropriate disclosure form.
- C. It will include the language paragraphs A and B of this section in the award documents for all-sub-awards at all tiers and will require all sub-recipients to certify accordingly.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of La Feria, Texas, authorizes the submission of an application for the grant funding to the Texas Department of Public Safety through the Texas Ranger Division for the Local Border Security Program (LBSP) and accepts the 2013 LBSP Grant funds awarded in the amount awarded; and authorizes City Manager Sunny K. Philip as the grantee's authorized official to act in all matters pertaining to the City's participation in the grant program.

PASSED AND APPROVED by the City Commission of the City of La Feria, Texas this 8th day of January, 2013.

APPROVED:



Steve Brewer, Mayor

ATTEST:



Olga Oberwetter, City Secretary

APPROVED AS TO FORM:



Richard S. Talbert, City Attorney