

Frank D. Jackson, Mayor
Jonathan Miller, Council Member,
Position 1
Jonathon Randle, Council Member,
Position 2



Marie Herndon, Council Member,
Position 3
Herbert Thomas, Council Member,
Position 4
Paulette Barnett, Council Member,
Position 5

**City of Prairie View
City Council Meetings Agenda
December 15, 2015, 6:00 p.m.
Prairie View City Hall, City Council Chamber
44500 U.S. Business Highway 290
Prairie View, Texas 77446**

Workshop Meeting Agenda, 6 p.m.

1. **Call to Order**
2. **Certification of Quorum**

Presentations and Workshop Discussions

3. St. Francis of Assisi Episcopal Church Choir presenting a program of seasonal songs.
 4. Introduction of City Attorney Leah Hayes, Olson and Olson, LLP.
 5. Presentation of the proposed City Park enhancement concepts; Sandra Bland Memorial Park.
 6. Discuss changes to the City of Prairie View's City Council Rules of Procedure.
 7. Receive update on City Council workshop retreat for teambuilding and communications enhancement.
 8. Discuss changes to the City of Prairie View's Personnel Policy.
 9. Discuss a policy to provide area lighting in the City of Prairie View.
 10. Discuss maintenance preceding mold remediation in the Prairie View City Hall.
 11. Adjourn.
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Regular Meeting Agenda, 7 p.m.

1. **Call to Order**
2. **Certification of Quorum**
3. **Invocation**
4. **Citizens Comments.** *Please limit your comments to three (3) minutes. City Council will listen to the comments, but cannot discuss or respond to the comments during the*

meeting. The matter may be referred to a department head, or City Council may direct that the matter be placed on the next Regular City Council Agenda. If a written response is desired from the City please so indicate during your presentations.

Citizens may also submit their comments in writing and/or fill out a Customer Service Evaluation Form.

All persons in attendance at the meeting of the City Council will conduct themselves in an orderly manner. Disregard of order from the Mayor/Chair or Sergeant-At-Arms/Law Enforcement Officer will result in the removal of the person or persons causing the disorder. Please see the Council's Rules of Conduct attached at the end of this agenda document.

Consent Agenda

5. Consider approval of the Meeting Minutes of the Regular City Council Meeting of November 17, 2015.
6. Consider approval of the Meeting Minutes of the Special City Council Meeting of November 24, 2015.
7. Consider adoption of a Resolution accepting the proposal for professional engineering services for the Old Houston Highway and James Muse Parkway Infrastructure Development Project locally known as the James Muse Parkway Project for project work related to EDA Grant Award Project, No. 08-01-05082, to Clay and Leyendecker, Inc., and authorize the Mayor to negotiate a contract for said engineering services with Clay and Leyendecker, Inc.
8. Consider authorizing the Mayor to sign a Letter of Engagement with Erskine Payne, Certified Public Accountant to conduct an audit for Fiscal Year ended September 30, 2015.

Regular Agenda

9. Discuss and consider action, if deemed appropriate, accepting the proposed City Park enhancement concepts for the Sandra Bland Memorial Park.
10. Discuss and consider action, if deemed appropriate, on an Ordinance amending the City of Prairie View's Adopted Budget for the Fiscal Year 2015-2016.
 - A. Police Department.
 - B. Administration Department.
 - C. Public Works Department.
11. Discuss and consider action, if deemed appropriate, accepting the Proposal for Accounting Services to J. & J. Johnson for Accounting Services for the period of January 1, 2016 through December 31, 2016, and authorize the Mayor to negotiate a contract for said accounting services.
12. Discuss and consider action, if deemed appropriate, setting the City Council Meeting Schedule for the 2016 Calendar Year.

13. Discuss and consider action, if deemed appropriate, on an Ordinance establishing the City of Prairie View's Records Management Program.
14. Discuss and consider action, if deemed appropriate, authorizing the reimbursement to Mayor Frank D. Jackson for expenditures for Economic Development-related travel to Guachene, Columbia related to the development of the 36 Alpha Project.

Reports

15. **Departmental Reports.**
 - A. Administration Department. Report of May 7, 2016 Elections Schedule
 - B. Finance. Financial Statements for the Period of October 2015 and Year-to-Date, Unaudited
 - C. Municipal Court Monthly Report for November 2015
 - D. Police Monthly Report for December 2015
 - E. Public Works Operations Report.
 - F. Tax Collections Report from Waller ISD for November 2015
 - G. Volunteer Fire Fighting Association Monthly Report for November 2015
16. **Mayor and City Council Reports.**

Mayor's Reports:
Report on substandard structure located at Owens and Thompson streets.
Report on 9-1-1 notification letters sent out by Waller County 9-1-1 District.
Report on Bureau Veritas implementation.
17. New Business (Future Agenda Items) *Under this agenda item, the Mayor and City Council Members may request that certain items be scheduled for a future agenda. Requesting that items be placed on a future agenda does not exclude other agenda items being added during the agenda development process. Future agenda items are scheduled and published in conformance with the Texas Open Meetings Act.*

Executive Session

18. The City Council of the City of Prairie View will convene into Executive Session as authorized by the Texas Government Code, Section 551.076, Deliberations about Security Devices or Security Audit.
19. The City Council of the City of Prairie View will reconvene into Open Session to take any action arising from the Executive Session.
20. **Adjourn.**

The City of Prairie View City Council 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).

I, the undersigned authority, do hereby certify that the above Notice and Agenda of

Workshop and Regular Meetings of the governing body of the City of Prairie View is a true and correct copy of said Notice and said Notice was posted on the City Hall front door, a place convenient and readily accessible to the general public at all times; said Notice was posted on Friday, December 11, 2015 by 6:30 p.m., and remained so posted continuously for at least 72 hours preceding the scheduled time for said meeting. The Notice and Agenda was also posted on the City's website at http://www.prairieviewtexas.gov/departments/council_agendas_and_minutes.php

Dated this the 11th day December, 2015.

By 
Janie Willman, City Secretary

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 at (936) 857-3603.



Welcome to the City of Prairie View City Council Meeting

We are here to serve you and the Community. Just a few reminders about the City Council's Rules of Procedure.

ARTICLE 1.500 CITY COUNCIL RULES OF PROCEDURE

Sec. 1.516 Addressing the Council. Any person desiring to address the council by oral communication shall first secure the permission of the mayor; provided, however, that preference will be given to those persons who have notified the city secretary by noon of the meeting day of the council meeting of their desire to speak in order that their names may be placed on the agenda, and they will be recognized by the mayor without further action.

Sec. 1.517 Addressing the Council After Motion Made. After a motion is made by the council, no person shall address the council without first securing the permission of the mayor to do so.

Sec. 1.518 Manner of Addressing the Council; Time Limit. (a) Each person addressing

the council shall step up to the microphone in front of the rail, shall give his name and address in an audible tone of voice for the taped record and, unless further time is granted by the council, shall limit his address to three minutes.

(b) All remarks shall be addressed to the council as a body and not to any member thereof.

(c) No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the mayor.

(d) No question shall be asked a councilmember except through the mayor.

Sec. 1.519 Silence Constitutes Affirmative Vote. *Unless a member of the council states that he/she is not voting, his/her silence in failing to respond to a roll call shall be recorded as an affirmative vote.*

Sec. 1.520 Decorum. *(a) While the council is in session, the members must preserve order and decorum, and members shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council or disturb any member while speaking nor refuse to obey the orders of the council or the mayor, except as otherwise herein provided.*

(b) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the mayor, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council.

Sec. 1.521 Enforcement of Decorum. *(a) The chief of police, or such member or members of the police department as he/she may designate, shall be sergeant-at-arms of the council meetings. He/she, or they, shall carry out all orders and instructions given by the mayor for the purpose of maintaining order and decorum at the council meeting.*

(b) Upon instructions of the mayor, it shall be the duty of the sergeant-at-arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him/her to be prosecuted under the provisions of this code; the complaint to be signed by the mayor.

Sec. 1.522 Persons Authorized to be Within Rail. *No person, except city officials, their representatives and newspaper, radio, and television reporters, shall be permitted within the rail in front of the council chamber without the express consent of the council.*

**MINUTES OF MEETING OF THE
PRAIRIE VIEW CITY COUNCIL
OF WALLER COUNTY, TEXAS
NOVEMBER 17, 2015**

Call to Order

Mayor Pro Tem Randle called the meeting to order at 6:03 p.m.

Certification of Quorum

Roll Call of Quorum was called by City Secretary Janie Willman. All Council Members were in attendance except Mayor Jackson. Mayor Jackson arrived at 7:12 p.m.

Invocation

Council Member Thomas delivered the invocation.

Citizens Comments

Mr. LaVaughn Mosley spoke on the need for transparency regarding the City's continuing payment of \$750 to the Prairie View Volunteer Fire Fighting Association, asking for a copy of the agreement and the minutes. He referenced a need for a police investigation. Mr. Mosley stated our Police Officers have worked and accumulated compensatory time since 2004 and noted that the City should pay them.

Motion was made by Council Member Herndon seconded by Council Member Miller for additional time.

Council Member Miller	Yes
Council Member Randle	Yes
Council Member Herndon	Yes
Council Member Thomas	Yes
Council Member Barnett	Yes

Mr. Malcolm Jackson asked why an outside investigator is proposed to be brought in when the Chief knows the Police Policy related to the use of tasers. He referenced an NPR Radio interview which Mayor Jackson gave. He asked why compensatory time for Police Officers was not included in the budget. He noted that more street lights are needed on Hollyhock and Alleda. He noted the City Council needs to be held accountable related to Officer Kelly's employment. He indicated that police officers in other cities are placed on at least ten days suspension with pay.

Motion was made by Council Member Herndon seconded by Council Member Miller for additional time.

Council Member Miller	Yes
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Council Member Randle	Yes
Council Member Herndon	Yes
Council Member Thomas	Yes
Council Member Barnett	Yes

Mr. Leverett stated that City Council Meetings were held twice a month. Street lights need to be fixed. Mr. Leverett voiced concerns the Legal Department works for the City of Prairie View and not the Council.

Motion was made by Council Member Herndon seconded by Council Member Miller for additional time.

Council Member Miller	Yes
Council Member Randle	Yes
Council Member Herndon	Yes
Council Member Thomas	Yes
Council Member Barnett	Yes

Mr. James Larry showed individual posters of Mayor Jackson and Ms. Sandra Bland to the City Council. He indicated that to get the Park done will take time, money and resources (Ad-Hoc Committee). He recommended the City Council pay the City's Police Officers overdue pay. He referenced that concealed handguns can be carried by students at universities beginning on January 1, 2016.

Motion was made by Council Member Herndon seconded by Council Member Miller for additional time.

Council Member Miller	Yes
Council Member Randle	Yes
Council Member Herndon	Yes
Council Member Thomas	Yes
Council Member Barnett	Yes

Mr. David Allen referenced legal advice from the City Attorney. He stated there are 46 agendas on the City's website without minutes which were online at one time and have been removed. Mr. Allen emphasized the minutes removed from the City's website need to be re-placed online. Section 1.524 was presented to City Council by the Attorney. Item C City Ordinances. Section 1.525 need to be filed with the Clerk.

Motion was made by Council Member Herndon and seconded by Council Member Miller for additional time.

Council Member Miller	Yes
Council Member Randle	Yes
Council Member Herndon	Yes

Council Member Thomas Yes
Council Member Barnett Yes

Presentation

Commissioner Jeron Barnett updated the City Council on the State of Waller County initiatives. He noted that the Landfill is not moving forward. Communities that Care is working with young adults and elders to address community needs including teen pregnancy, elder care, and mental health. Waller County needs and are going to have a new jail built. Waller County is hiring personnel in the Road and Bridge and Sheriff's departments. Waller County is looking to build a small airport where commercial planes can land. Efforts are underway towards building a Veteran's Memorial.

Consent Agenda

Council Member Herndon requested that the Consent Agenda item related to street lighting be removed for separate consideration under the Regular Agenda.

Approval of City Council Meeting Minutes

Motion was made by Council Member Thomas and seconded by Council Member Herndon to approve the Consent Agenda Items related to the approval of the Regular City Council Meeting for October 27, 2015 and the approval of the Special City Council Meeting Minutes for August 12, 2015, September 8, 2015, September 15, 2015, September 2, 2015, and November 2, 2015.

Council Member Miller Yes
Council Member Randle Yes
Council Member Herndon Yes
Council Member Thomas Yes
Council Member Barnett Yes

Motion passed by unanimous vote.

Consider action on a Resolution awarding the Bid to Prosperity Bank, Hempstead, for banking services and bank depository services for the period of December 1, 2015 through November 30, 2018.

Motion was made by Council Member Thomas and seconded by Council Member Herndon to award Bid to Prosperity Bank, Hempstead, for banking services and bank depository services for the period of December 2, 2015 through November 30, 2018.

Council Member Miller Yes
Council Member Randle Yes
Council Member Herndon Yes
Council Member Thomas Yes
Council Member Barnett Yes

Motion passed by unanimous vote.

Regular Agenda

Consider authorizing the installation of street lights in the areas of Cochran Road, Prairie Acres, Pine Meadows Estates, and Old Houston Highway of the City of Prairie View.

Council Member Herndon asked how the lights on Echols Street were paid for and by whom. JJ Johnson confirmed the City had paid for installation. Ms. Willman said she will speak with San Bernard Electric. Council Member Herndon asked, again if this was in the budget for street lights. JJ Johnson indicated no. Council noted the need for a policy for installation of lights and cost sharing. Council Member Thomas and Council Member Herndon said to replace lights that are currently out.

Motion was made by Council Member Thomas and seconded by Council Member Herndon to postpone authorizing the installation of street lights until next City Council Meeting to be held on December 15, 2015. Need a policy for installation of lights and cost sharing.

Discuss and consider action, if deemed appropriate, on a Resolution authorizing the award of a contract for independent review and investigation of Police Use of Force and compliance with City Police Policies and Procedures.

Motion was made by Council Member Thomas to consider action on Resolution authorizing the award of a contract for independent review and investigation of Police Use of Force and compliance with City Police Policies and Procedures.

Motion died for lack of second.

Council Member Randle asked Chief Johnson if use of force is included in the Police Policy Book. Chief Johnson confirmed it is a broad policy. Council Member Barnett asked if the Chief is the administrator why could he not make that decision. Council Member Randle asked if the City has a clear policy of what illegal force is. Chief Johnson noted the use of Force Policy is a common policy that is adopted by the Texas Police Chiefs Association.

Mayor Jackson informed the Council that it is the Chief's recommendation about bringing someone else in to review the incident as he considers it being unethical to personally review the case.

Council Member Herndon agreed with Council Member Barnett's assessment that the Police Department needs to look at the City of Prairie View Police Policy and Procedures and follow them.

Chief Johnson informed Council he will do it as long as the City Council stand behinds him on whatever decision he makes. Chief Johnson indicated he wants to be fair to Council Member Miller and his officers. He indicated that if we didn't do it right, let's fix

it, let's get better. There was further Council discussion about the need to follow the policy and the need to establish whether the policy was followed.

No further action was taken.

Discuss and consider action, if deemed appropriate, on a Resolution authorizing a Workshop Retreat Meeting for the City Council to engage in governance and leadership team building exercises, including the selection of a facilitator, setting a date, and attending to all details related thereto.

Council Member Randle stated the workshop is a necessity. Ms. Willman indicated that the City Council has in its packet, different proposals for facilitation which came in higher than expected. She indicated there is an additional facilitator not presented in the packet asking for \$4,000. With the ongoing problems of trust and communication, dignity and respect, Ms. Willman indicated this initiative is vital at this time in improving the Mayor and City Council's effectiveness. Council Member Randle asked Ms. Willman about serving as the facilitator. Ms. Willman indicated she doesn't have the assessment instruments required to do a thorough retreat. She further noted that as the Mayor and City Council comprise her supervisory group, she preferred an outside facilitator work with Mayor and City Council. David Olson, from Olson & Olson, LLP offered a professor of Public Administration from the University of Houston with whom he has had professional associations who can do the retreat at no cost to the City. There was brief discussion about scheduling.

Discuss and consider action, if deemed appropriate, on an Ordinance amending the City of Prairie View's Adopted Budget for the Fiscal Year 2015-2016.

The City Council requested clarification on this agenda item.

Council Member Randle asked were the intentions not to pay officers.

Motion was made by Council Member Barnett and seconded by Council Member Herndon to place an agenda time on the City Council's December 15, 2015 meeting to consider paying City Police Officers overdue pay.

- A. Police Department
- B. Administration Department

Discuss and consider action, if deemed appropriate, on the City of Prairie View contract service providers.

Motion by Council Member Barnett and seconded by Council Member Herndon to replace City Attorney Paula Alexander from Olson and Olson with another Olson and Olson Firm attorney and to authorize the City Secretary to solicit for proposals for accounting services.

Council Member Miller	yes
Council Member Randle	yes

Council Member Herndon	yes
Council Member Thomas	nay
Council Member Barnett	yes

Motion passed by majority vote.

Department Head Reports

Reports were submitted.

Council Members Reports (written)

Reports were submitted.

Mayors Report / Remarks

Mayor Jackson addressed all questions and remarks by the Citizens. Mayors report was submitted.

New Business

No new business was conducted or new city council agenda items were requested.

Announcements

There were no announcements.

Adjourn

Motion to adjourn City Council Meeting at 8:53 p.m. was made by Council Member Randle and seconded by Council Member Thomas.

Council Member Miller	yes
Council Member Randle	yes
Council Member Herndon	yes
Council Member Thomas	yes
Council Member Barnett	yes

Motion passed by unanimous vote.

Approved this _____ day of December, 2015.

Mayor Frank D. Jackson

Attest:

Janie Willman, City Secretary

**MINUTES OF MEETING OF THE
PRAIRIE VIEW CITY COUNCIL OF WALLER COUNTY, TEXAS
SPECIAL CALL MEETING
NOVEMBER 24, 2015**

Call to Order

Mayor Jackson called the meeting to order at 6:30 p.m.

Certification of Quorum

Roll Call of Quorum was called by City Secretary Janie Willman. All Council Members were in attendance. Also in attendance: City Secretary Janie Willman and Olson and Olson Attorney David Olson.

Invocation

Councilmember Randle delivered the invocation.

Citizens Comments

Mr. James Larry spoke to City Council on what occurred at last City Council Meeting at which Council Member Herndon and City Secretary Willman addressed the need for decorum. Mr. Larry agreed on having decorum and respect for each other. Mr. Larry indicated decorum, justice, and peace are needed. He urged the Council to make decisions.

Discuss and consider action, if deemed appropriate, on an Ordinance to Amend the Fiscal Year 2015-2016 Adopted Budget to provide for additional services including software and services to facilitate electronic City Council Agenda Packets and one additional month of temporary assistance.

Council Member Randle asked if an Ordinance is needed if item is already in budget. Mayor Jackson confirmed it is a line item in the current budget. Mayor Jackson stated for assistance will be needed for thirty more days to make changes and re-alignment of resources.

Council Member Barnett asked about the funding source to be used for repairs. It was clarified this is a General Line Item.

Council Member Herndon asked if Temporary Assistance is currently a budgetary line item. It was clarified that labor is already a budget item.

The City Council asked if an action is required to authorize requests for which there is already approved budget funding. Attorney Olson indicated no action is required; staff is informing Council.

Motion was made by Council Member Randle and seconded by Council Member Thomas to adjourn the meeting.

Motion passed by unanimous vote.

Council Member Miller	yes
Council Member Randle	yes
Council Member Herndon	yes
Council Member Thomas	yes

Approved this ____ day of December, 2015.

Mayor Frank D. Jackson

ATTEST:

Janie Willman, City Secretary



CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Consent Agenda Item 7

To: Mayor and City Council

Agenda Subject:

Consider adoption of a Resolution accepting the proposal for professional engineering services for the Old Houston Highway and James Muse Parkway Infrastructure Development Project locally known as the James Muse Parkway Project for project work related to EDA Grant Award Project, No. 08-01-05082, to Clay and Leyendecker, Inc., and authorize the Mayor to negotiate a contract for said engineering services with Clay and Leyendecker, Inc.

Background:

The City of Prairie View has been awarded a \$1.046 Million Grant for infrastructure development, consisting of significant construction work requiring engineering services.

City staff has been advised that in order to obtain those services, a solicitation of proposals for engineering services for the EDA Project locally known as the James Muse Parkway Project needed to be conducted. Staff sought and obtained the City Council's authorization to solicit the requests for proposals bids.

Kristie Hadnot, Public Management Program Manager, reported on the kick-off meeting held at City Hall on October 29 at the City Council's Regular Meeting on November 2, 2015.

The Request for Proposals (RFP) was published in the Waller County News Citizen on November 5, 2015 and November 12, 2015.

One proposal was received from the firm of Clay and Leyendecker, Inc. on November 19, 2015 at 12:55 p.m.

A copy of the proposal is enclosed for the City Council's review and reference. A copy of the RFP is also enclosed for the City Council's review and reference.

A scoring document is enclosed for the City Council's reference.

Please note that there is no pricing or costing included in keeping with the Procurement Statutes related to professional architectural, engineering, or surveying services. *Cities are prohibited from using competitive bidding procedures to obtain the services of architects, engineers, certified public*

accountants, land surveyors, physicians, optometrists, landscape architects, geoscientists or state-certified real estate appraisers.

Instead, for contracts involving architectural, engineering or land surveying services, a city must first select the most highly qualified provider and then attempt to negotiate a fair and reasonable price.

Dr. Marshall Brown, who served as the City's engineer at one time, reviewed the proposal with the City Secretary. He will be at the meeting to answer questions.

Mr. David Leyendecker who serves as the City's engineer and has served as the City's engineer on other grant-related projects will also be present at the meeting to answer any technical questions related to this process.

Authorization is also being sought for the Mayor to negotiate a contract for engineering services with Clay and Leyendecker, Inc.

In terms of project oversight, some jurisdictions appoint an ad-hoc committee to monitor the progress of the project and periodically report to the City Council. If the City Council should so desire that level of oversight, the Mayor may appoint an ad-hoc committee to serve in this capacity.

RESOLUTION NO. 2015-_____

A RESOLUTION OF THE CITY OF PRAIRIE VIEW CITY COUNCIL SELECTING CLAY & LEYENDECKER, INC. MOST HIGHLY QUALIFIED PROVIDER FOR A PROFESSIONAL ENGINEERING MANAGEMENT SERVICES CONTRACT FOR THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) GRANT FUNDED PROJECT NO. 08-01-05082 OLD HOUSTON HIGHWAY & JAMES MUSE PARKWAY INFRASTRUCTURE DEVELOPMENT PROJECT KNOWN LOCALLY AS THE JAMES MUSE PARKWAY PROJECT

WHEREAS, the City of Prairie View received a \$1.04 Million grant award from the U.S. Department of Commerce Economic Development Administration; and

WHEREAS, the City of Prairie View requires professional engineering management services for the project locally known as the James Muse Parkway Project; and

WHEREAS, the City of Prairie View issued a Request for Proposals in order to obtain professional Overall Program Management Services for the James Muse Parkway Project, and

WHEREAS, the City of Prairie View City Council finds Clay & Leyendecker, Inc. most highly qualified provider for the professional engineering management services contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VIEW, TEXAS:

Section 1. That Clay & Leyendecker, Inc. is the most highly qualified provider for the professional engineering management services contract for the EDA Project locally known as the James Muse Parkway Project.

Section 2. That the Mayor is hereby authorized and directed to negotiate, execute and deliver a contract with Clay & Leyendecker, Inc. for an amount not to exceed, \$_____.

PASSED, APPROVED, AND ADOPTED this 15th day of December, 2015.

Frank Jackson, Mayor

ATTEST:

Janie Willman, City Secretary

REQUEST FOR PROPOSALS FOR PROFESSIONAL ENGINEERING MANAGEMENT SERVICES

The City of Prairie View is seeking to enter into a professional engineering services contract with a qualified professional engineer or engineering firm registered to practice in the State of Texas to assist the City in the overall professional engineering management of a recently awarded grant contract under the Public Works and Economic Adjustment Assistance Program (CFDA No. 11.300) administered by the United States Department of Commerce – Economic Development Administration (EDA). The following outlines the Request for Proposal (RFP).

I. SCOPE OF WORK

The professional engineer or engineering firm to be hired is to provide contract-related professional engineering services to the City of Prairie View, to encompass all project-related engineering services, including but not limited to the following areas:

- All preliminary and final design plans and specifications
- Obtain all required permitting and clearances associated with project startup and closeouts
- Preparation of all bid packets
- Conducting field testing and inspections (interim and final)
- Other special services as may be required to meet project goals and objectives

Please provide information which reflects your knowledge of these areas of responsibility. A copy of the project description is attached to this request.

II. STATEMENT OF QUALIFICATIONS

The City is seeking to contract with a competent professional engineer or engineering firm registered in the State of Texas that has had experience in municipal infrastructure development projects. Specifically, it is seeking those engineers or engineering firms with the following qualifications:

- Municipal water and sewer projects
- Past experience in providing professional engineering management services on capital improvement projects
- Past experience in providing professional engineering management services on federally funded construction projects.
- Past experience completing projects in this general region of the state.

As such, please provide within your proposal a list of past client local governments, as well as resumes of all engineers and employees who will or may be assigned to this project if you receive the professional engineering management services contract award.

III. PROPOSED COST OF SERVICES

It is specifically requested that a Contingency Contract be submitted with proposed cost per progress points in the administration of the project. Please note that the lowest/best bid will not be used as the sole basis for entering into this contract.

IV. PREVIOUS EXPERIENCE WITH CITY

Please indicate your previous experience in providing professional engineering management services to the City of Prairie View and any of its relevant capital improvements and/or federally funded projects.

V. EVALUATION CRITERIA

The Statements of Qualification received will be evaluated according to the following criteria:

- Experience
- Work Performance
- Performance Ability

The City shall evaluate each Statement of Qualification received. If the City desires, the professional engineers and/or engineering firms will be notified to make a presentation before the selection process is completed.

VI. DEADLINE FOR SUBMISSION

The deadline for submission of the proposal is 2:00 P.M. on Thursday, November 19, 2015.

VII. ADDRESS CONTRACT, PROPOSAL & STATEMENT OF QUALIFICATIONS TO:

Janie Willman, City Administrator
City of Prairie View
44500 U.S. Business Highway 290
P.O. Box 817
Prairie View, Texas 77446-0817

The City of Prairie View is an Affirmative Action / Equal Opportunity Employer.

PROJECT SUMMARY

The City of Prairie View shall use EDA funds specifically for the Old Houston Highway and James Muse Parkway Infrastructure Development project. Construction shall include trenching for the installation of water and sewer lines, with the installation of a new water system approximately twelve thousand eight hundred linear feet (12,800 l.f.) of ten-inch (10") PVC (C-900) water main lines, with fifteen (15) fire hydrants, and all associated appurtenances. Also, construction shall include the installation of a duplex sanitary sewer lift station with approximately five thousand seven hundred linear feet (5,700 l.f.) of eight-inch (8") PVC force main lines, three thousand seven hundred linear feet (3,700 l.f.) of ten-inch (10") PVC sewer main lines, four (4) manholes, and all associated appurtenances.

James Muse Parkway Project

EDA Grant Award Project, No. 08-01-05082

Professional Engineering Services RFP

Experience

Possible Points - 30

**Clay &
Leyendecker,
Inc.**

Experience

Possible Points - 30

Work

Performance

Possible Points - 30

Performance

Ability

Possible Points - 30

Score Totals

November 19, 2015

Mr. Frank D. Jackson, Mayor
City of Prairie View
P. O. Box 817
Prairie View, Texas 77446

Re: Proposal for Engineering Services
Water and Sanitary Sewer Line Extension
United States Department of Commerce
Economic Development Administration Grant
Prairie View, Texas

Dear Mayor Jackson:

Clay & Leyendecker, Inc. is pleased to be allowed to forward this Proposal for Professional Services to the City of Prairie View. The Principals in our firm have more than forty years of experience working for small to medium size cities on the West side of Houston. Our primary objective has been doing municipal engineering for our clients in all phases of City projects.

Dr. Herman Clay and I, David Leyendecker, have represented three towns in Waller County (Brookshire, Katy and Waller) for more than forty years. We believe this shows our dedication and absolute loyalty to our clients as well as their satisfaction with our services. We have solved many of the problems that the City of Prairie View faces today in the past for our other clients. We regularly attend City Council meetings, County Commissioner's Court meetings and Water Board meetings to help our clients expand their water systems, drainage systems, sanitary sewer system and paving network. We also help our clients with the required paper work for federal and state regulatory agencies.

Our firm has extensive experience in working on projects that have been funded with Federal, State and Local Community Grants. We have worked with the City's Grant Consultant Public Management, in the City of Prairie View and several other cities. We feel the combination has developed into a good team and has benefitted our clients including the City of Prairie View. Our firm has been involved in with Grant related projects for more than a dozen cities in the past 40 years. Listed below are the projects that were completed that have benefitted the City of Prairie View using Grant funds:

Mr. Frank D. Jackson, Mayor
November 19, 2015
Page 2

- A) Richards Road Lift Station Improvements and Waterline Extension
- B) Emergency Generator for City Hall
- C) Water Plant No. 2 – Phase I
- D) Water Plant No. 2 – Phase II
- E) Emergency Generators for the City's two (2) Major Lift Stations

Enclosed with this letter you will find four (4) copies of the Clay & Leyendecker, Inc's Company Brochure. The Brochure includes the following sections:

1. Professional Resumes for Herman Clay and David Leyendecker, Principals of Clay & Leyendecker, Inc.
2. List of Projects completed or underway
3. Client Contacts

Clay & Leyendecker, Inc. is a full service Engineering and Surveying Company. We have our own surveying and engineering staff so we can serve the City's Project from the beginning to the end. We have enjoyed our professional relationship with the City of Prairie View and plan to continue to serve the City wherever possible. Clay & Leyendecker, Inc. would like to again take this opportunity to thank the City for allowing our firm to forward this proposal.

Very truly yours,



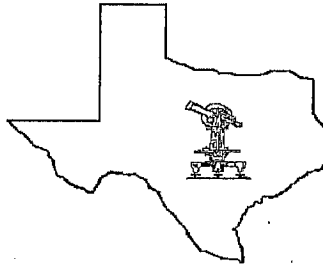
David Leyendecker, P.E., R.P.L.S.

DL/pe

CLAY & LEYENDECKER, INC.

ENGINEERS AND SURVEYORS

Firm Registration No. 2309



November, 2015

**1350 AVENUE D
KATY, TEXAS 77493
(281) 391-0173
Fax (281) 391-1554**

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1. Professional Resumes - Clay & Leyendecker, Inc.
2. List of Projects
3. Client Contacts

RESUME

HERMAN M. CLAY, JR.

1. Education

- a. Ph. D., Environmental Engineering
University of Texas at Austin, 1970
- b. M.S. Civil Engineering
Texas Tech University, Lubbock, 1968
- c. B.S. Civil Engineering
Southern Methodist University, 1963

2. Registration. Dr. Clay is licensed to practice engineering by the State of Texas. His registration number is 27588.

3. Planning Experience. Dr. Clay has engaged in planning and design of water and wastewater systems for more than forty years. He is especially familiar with the many components and methods of disposal for municipal wastewater. This familiarity allows him to evaluate the client's needs and match them with the available technology. Dr. Clay is principal engineer for the firm which he co-founded in 1970.

4. Design Experience. Dr. Clay has designed more than forty wastewater treatment systems of the municipal type. He designed some of the earliest oxidation ditch or "race-track" systems in Texas, which came to be a highly accepted method for smaller and medium sized communities. His twenty years of experience as a consultant for the Texas prison system have given him insight into designing systems that require a lower level of operator supervision.

Dr. Clay has also designed numerous water distribution and sewer collection systems and additions to existing systems.

5. Specialties. Dr. Clay has obviously specialized in the water and wastewater field. He has regularly been called on by cities and other engineers to "troubleshoot" problems that they are having difficulty in solving on their own.

RESUME

DAVID LEYENDECKER

1. Education

- a. B.S. Civil Engineering
Texas A & M University, 1976
- b. Associate of Arts
Blinn Junior College, Brenham, Texas, 1974
- c. Columbus High School, 1972

2. Registration. David Leyendecker is a Licensed Professional Engineer and a Registered Professional Land Surveyor in the State of Texas.

3. Experience. David Leyendecker has been involved in doing municipal engineering work and land surveying since graduation from college. He has designed a wide range of projects including sewage collection systems, sewage treatment plants, streets, drainage systems, water systems and Municipal building. On a regular basis, he has designed water wells, water plants, water distribution systems, along with water filters and chemical feed systems. As the engineer and surveyor for more than a half dozen small cities West of Houston, David has been involved in doing engineer and surveyor work on many projects. These include grants that have been administered by Federal, State and local entities and administering Design/Build projects for his clients as the City's Engineer. Included in these projects have been water systems, sanitary sewer systems, paving projects, park projects and Municipal buildings. The Design/Build projects include a new City Hall/Police Station for the City of Prairie View along with a Municipal Court Building, Fire Station Remodel and Social Services Building for the City of Katy.

4. Specialties. David has spent thirty-nine years representing small cities and towns that have no full-time engineering or surveying staff. He has helped them in solving daily problems that arise involving not only their water and wastewater systems but also their paving, drainage, traffic control and Design/Build projects. David has also helped coordinate projects that his clients have that are funded with grant funds. Since 1979 as a Registered Professional Land Surveyor, he manages the surveying component of Clay & Leyendecker, Inc. As such the company has done approximately 9,000 surveys for individuals as well as for state and local government agencies

<u>Project</u>	<u>Date</u>	<u>Amount</u>
1 Brookshire Sewer Extension	August 1977	
2 Waller - Briartree Subd. Paving	February 1978	\$76,507.00
3 Waller - Briartree Subd. Paving	March 1978	\$160,384.00
4 Katy - S.T.P. Expansion	July 1978	\$690,000.00
5 Columbus Water Improvements	August 1978	\$104,000.00
6 Columbus Water Well #4	October 1978	\$84,272.00
7 Waller - Water, Sewer & Gas Extension	February 1979	\$48,422.00
8 Eagle Lake Drainage Improvements	May 1979	\$477,916.00
9 Sealy Water, Sewer & Drainage	July 1980	\$4,512.00
10 Sealy Oak Park Gas System	August 1980	\$2,973.00
11 Katy Hunters Terrace Paving	October 1980	\$124,000.00
12 Brookshire City Park	December 1980	
13 Brookshire City Park Sidewalk Paving	December 1980	
14 Brookshire Water Well #3	January 1981	
15 Brookshire Elevated Storage Tank	January 1981	
16 Brookshire S.T.P. Expansion	February 1981	
17 Katy Water Well #5	April 1981	
18 Brookshire Water Plant #2	May 1981	
19 Brookshire Water Well #3	June 1981	
20 Katy Sanitary Landfill	February 1982	\$26,000.00
21 Katy Pin Oak Road Paving	April 1982	\$242,000.00
22 Eagle Lake Glen Meadow Paving	July 1982	\$72,399.00
23 Eagle Lake Water, Sewer & Drainage	July 1982	\$20,763.00
24 Katy Danover Road Extension	August 1982	\$36,000.00
25 Katy - 3 rd Street Water Extension	September 1982	\$29,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
26 T.D.C.J. Ellis II Site Grading and Road Construction	September 1982	
27 T.D.C.J. Ellis II Utility Construction	December 1982	
28 Brookshire M.W.D. - Sewer Collection and Water Line at F.M. 359	December 1982	\$360,000.00
29 T.D.C.J. Ellis II Paving	March 1993	\$1,000,000.00
30 Brookshire Lakeside Subd. Onsite Utilities	April 1983	
31 Columbus Memorial Oaks	May 1983	\$30,000.00
32 Brookshire Lakeside Subd. Paving	June 1983	
33 T.D.C.J. Ellis II S.T.P.	July 1983	\$2,293,000.00
34 Katy - Heritage Park West Water & Sanitary Sewer Extension	July 1983	\$410,000.00
35 Katy Heritage Park West Paving	July 1983	\$365,000.00
36 Katy Hunters Terrace Water, Sewer and Drainage	July 1983	
37 Katy Sewer System Evaluation & Survey (2 books)	July 1983	
38 Katy Water Well #4	August 1983	\$21,000.00
39 Katy Danover Road Extension	August 1983	\$36,000.00
40 Huntsville W.W.T.P. Offsite Sewer System	August 1983	
41 Katy Paving Avenue K	September 1983	\$20,000.00
42 Katy Parking Lot - Fire Station	October 1983	\$11,000.00
43 Katy Materials for Paving	October 1983	
44 Katy Hunters Terrace Paving (Sec. 2).	November 1983	\$229,000.00
45 Katy Bernard Crossing	November 1983	
46 Brookshire M.W.D. Plant #2 Stand-by Generator	December 1983	
47 Katy Emergency Generator Fire Station . . .	December 1983	\$12,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
48 Katy East 3 rd Street Sewer Ext.	January 1984	\$5,000.00
49 Katy West Sewer Extension	January 1984	
50 Katy - N. East Water & Sewer Improvement	January 1984	
51 Katy Sanitary Landfill	January 1984	
52 Brookshire City Park	January 1984	\$325,000.00
53 Brookshire Lakeside Subdivision Drainage	January 1984	\$80,000.00
54 Katy Heritage Park West Drainage	March 1984	\$364,000.00
55 Katy Water & Sewer Improvements	April 1984	\$155,000.00
56 Brookshire Brookwood Community	April 1984	
57 Brookshire Brookwood Water & Sewer . . .		
58 Brookshire Brookwood Well & Water Plant		
59 Katy Sewer Collection System	May 1984	\$99,000.00
60 Waller Northeast Sewer Extension	May 1984	\$105,504.00
61 Katy Water Plant #2 Ground Storage Tank.	July 1984	
62 Katy Hunters Terrace Paving	August 1984	\$229,000.00
63 Katy Water Plant #3	November 1984	\$213,000.00
64 Waller Water Well	November 1984	\$150,386.00
65 Katy Sanitary Landfill	January 1985	
66 Katy Sludge Drying Beds	February 1985	
67 Waller Clarifier Construction	February 1985	\$265,100.00
68 Waller Sanitary Sewer Repairs	April 1985	\$45,200.00
69 Waller Water Plant #3	April 1985	\$101,000.00
70 Waller Water Well #3	April 1985	\$150,000.00
71 George Nelson Estate Survey	May 1985	\$8,000.00
72 Katy - Water Plant #4	May 1985	

<u>Project</u>	<u>Date</u>	<u>Amount</u>
73 Katy - Water Plant #4 Water Tank	May 1985	
74 Katy - Water Well #6	May 1985	
75 Katy - Aster St. Sewer Lane, North & South Street. Water Line	June 1985	
76 Gateway Village North Water Plant	September 1985	\$93,782.00
77 Katy Paving - Ave. D, Katy Hockley Road and 10 th Street to Morton	September 1985	
78 Waller Elevated Tank	October 1985	\$213,000.00
79 Katy Sanitary Landfill	October 1985	
80 Katy Paving Ave. D, Utility Storm Sewer	October 1985	
81 Katy S.T.P. Gas Chlorinator & Flow Meter	October 1985	
82 Katy - Water Well #6	December 1985	\$211,000.00
83 Katy Comminutor S.P.	February 1986	
84 Katy Water Plant #4	May 1986	\$242,000.00
85 Katy Storage Tank	May 1986	\$470,000.00
86 Warren Ranch Survey	May 1986	\$14,000.00
87 Katy Ave. D Paving	September 1986	\$1,200,000.00
88 Waller Clarifier	September 1986	\$265,000.00
89 Katy Ave. D Box Culverts & Storm Sewers	September 1986	
90 Katy Sludge Dewatering Facilities	October 1986	
91 T.D.C.J. Pretreatment Chlorine Contact Basin	October 1986	
92 Katy Asphalt Overlay & Seal Coat	November 1986	\$742,916.00
93 Katy Belt Press Installation	February 1987	
94 Katy Sludge Dewatering Building	February 1987	
95 Waller Washington Street Sewer Extension	May 1987	\$26,748.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
96 G.N.P. Inc. Landfill Survey & Topo.	May 1987	\$11,000.00
97 City of Houston Water Dist. Project	June 1987	\$180,000.00
98 Buller Estates Survey (21 tracts)	June 1987	\$21,000.00
99 Katy Sludge Dewatering Bldg.	June 1987	
100 Waller Sledge St. & Bois D'Acr Dr.	June 1987	\$200,000.00
101 T.D.C.J. Evaluation & Planning S.T.P.	July 1987	\$50,000.00
102 Waller Water & Sewer Extension	August 1987	\$75,345.00
103 Brookwood Water & Sewer	September 1987	\$37,699.00
104 Brookwood Paving Phase 3	September 1987	\$14,000.00
105 Waller Renovate Left Station	January 1988	\$15,600.00
106 Brookshire M.W.D./S.T.P. Improv.	January 1988	\$668,800.00
107 T.D.C.J. Soap Factor Sugarland	January 1988	\$130,000.00
108 T.D.C.J. Pack Unit #1, Relocate Sewage Treatment Plant	April 1988	\$250,000.00
109 T.D.C.J. Beto #2, W.W.T.P.	April 1988	\$650,000.00
110 T.D.C.J. Jester #3, S.T.P.	May 1988	\$743,000.00
111 Waller, Orange St. Sewer Extension	June 1988	\$71,590.00
112 Katy Driveway Improv. Fire Station	August 1988	\$5,655.00
113 Katy Sanitary Landfill	September 1988	\$8,986.00
114 Katy North & South Street, Roberts Road Paving	December 1988	\$500,000.00
115 Katy Hunters Terrace Storm Sewer	December 1988	\$160,000.00
116 Brookshire M.W.D. Sewer Treatment Plant	June 1989	\$600,000.00
117 Katy F.M. 1463 Utility Extension	August 1989	\$13,000.00
118 Katy Elevated Tank Painting	September 1989	\$26,850.00
119 T.D.C.J. Coffield Meat Packing Plant &	September 1989	\$200,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
S.T.P. Improvements		
120 Simonton Church Paving	October 1989	\$12,994.00
121 T.D.C.J. Eastham/Ferguson S.T.P.	December 1989	\$1,700,000.00
122 Sheridan S.T.P. Collection System	December 1989	\$440,000.00
123 Katy Sanitary Landfill	December 1989	\$7,587.00
124 Waller Water Dist. Improvements	December 1989	
125 Katy Ground Storage Tank	January 1990	\$9,487.00
126 T.D.C.J. Michael Unit, Meat Packing Plant	May 1990	
127 Katy Sewer Plant Improvement	July 1980	\$120,000.00
128 Waller Mills St. & Old Washington Street Bridge Improvements	April 1991	
129 Fulshear Water & Sewer Improv.	April 1991	
130 Fulshear Water Improvements & Line Work	June 1991	\$265,482.00
131 Fulshear Water Improvements & Standpipe Construction	June 1991	\$84,895.00
132 Katy Ave. B, Barley Lane & Woodslan Park Paving	August 1991	
133 M.D. Anderson - Science Park	October 1991	\$560,000.00
134 Katy Dechlorinator Unit & Levee at S.T.P.	November 1991	\$19,942.00
135 T.D.C.J. Darrington/Ellis W.W.T.P.		
136 Waller W.W.T.P. Expansion	April 1992	\$189,990.00
137 Waller Penick St. Sewer Extension	April 1992	\$45,681.00
138 Katy W.W.T.P. Expansion	April 1992	\$1,116,000.00
139 Katy Eula Morgan Water Line	April 1982	\$9,900.00
140 Katy Sanitary Sewer Replacement for Drexel Street	July 1992	\$12,010.00
141 Katy Elevated Tank Painting	August 1992	\$28,405.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
142 Katy Asphalt Overlay - Town Park	April 1993	\$56,506.53
143 Katy-Material for Paving Improv.	August 1993	\$87,800.00
144 Fulshear Park & Ride Lot	September 1993	\$186,000.00
145 Katy - Material for Utility Ext.	1993	\$11,000.00
146 Katy - Avenue D Paving	1993	
147 Katy - Pin Oak Paving	1993	
148 Katy-Sanitary Sewer Line Replacement	1993	\$350,000.00
149 Katy - Woodsland Sanitary Facility	1993	\$43,300.00
150 Alleyton Sewer System	September 1993	\$357,000.00
151 Brookshire Factory Outlet Mall	September 1993	Study
152 Pin Oak Road Paving - Katy	1995	\$780,000.00
153 Katyland Sidewalk Improvements - City of Katy	June 1995	\$48,000.00
154 Arborland Farms Subdivision	September 1995	\$230,000.00
155 City of Katy Drainage Study	December 1995	Study
156 T.D.C.J. - Clemens Water Well	January	\$55,000.00
157 T.D.C.J. - Estelle Wastewater Treatment Plant Expansion	January 1996	\$650,000.00
158 T.D.C.J. - Estelle Water Improvements	February 1996	\$150,000.00
159 T.D.C.J. - Ramsey Wastewater Treatment Plat	March 1996	\$3,500,000.00
160 City of Katy Improvements Water Plant #4	August 1996	\$400,000.00
161 City of Katy Water Plant #5	August 1996	\$1,300,000.00
162 T.D.C.J. Estelle Water Study	August 1996	Study
163 Colorado County Alleyton Sewage System	1996	\$350,000.00
164 Katy FM 1463 Utility Relocation	1996	\$120,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
165 Waller Fields Store Road Utility Extension	1996	\$580,000.00
166 T.D.C.J. Garza Units Water Wells 5 & 6	1997	\$370,000.00
167 Waller FM 362 Utility Extension	1997	\$120,000.00
168 MoorTex Water Well	1997	\$6,000.00
169 T.D.C. J Ferguson Unit Sewage Plant Expansion	1997	\$900,000.00
170 Brookshire North Water Line Improvements	1998	\$350,000.00
171 T.D.C.J. Clements Unit Sewage Plant Expansion	1998	\$900,000.00
172 Katy Hope Lumber Water Extension	September 1998	\$150,000.00
173 Katy Pin Oak Road Water Line Relocation	September 1998	\$105,000.00
174 Orchard Sewage Treatment Plant	September 1998	\$293,000.00
175 Katy Sewage Treatment Plant Expansion	1998	\$3,000,000.00
176 Hearne Lift Station	1998	\$22,000.00
177 Katy Fawnlakes & Whispering Lakes Utility Extension	July 1998	\$190,000.00
178 Katy Mills Mall	1998	Construction Inspection
179 City of Katy - West Water Line	August 1998	\$105,000.00
180 City of Waller Asphalt Overlay	April 1999	\$1,000,000.00
181 Columbus Livestock Auction Lift Station	April 1999	\$45,000.00
182 City of Katy Asphalt Overlay	May 1999	\$306,000.00
183 City of Katy - 500,000 Gallon Elevated Water Tank	June 1999	\$636,238.00
184 City of Katy - Fifth Street Sanitary Sewer Line	July 1999	\$293,000.00
185 City of Brookshire - Tenth Street Sanitary	July 1999	\$165,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
Sewer Line		
186 F.M. 2920 Utility Extension - Waller	August 1999	\$28,000.00
187 Katy Hockley Cut-off Utility Ext.	August 1999	\$51,400.00
188 City of Hearne - Water Well	August 1999	\$500,000.00
189 City of Katy - Hwy 90 Water line Extension	November 1999	\$114,000.00
190 Katy - Ave. D Sanitary Sewer Line	November 1999	\$165,000.00
191 City of Katy - VFW Park Outdoor Restrooms	December 1999	\$67,000.00
192 City of Katy - Franz Road Sidewalks	December 1999	\$65,000.00
193 T.D.C.J. - Pack 1 Unit Water Well	February 2000	\$400,000.00
194 City of Katy - 1999-2000 Asphalt Overlay	March 2000	\$320,000.00
195 Fort Bend County MUD No. 37 Lift Station	June 2000	\$110,000.00
196 City of Waller - F.M. 2920 Water, Sewer, & Gas Extension	December 2000	\$123,000.00
197 City of Katy Harvest Plaza Park	December 2000	\$135,000.00
198 City of Waller - 150,000 Gallon Elevated Tank	January 2001	\$228,000.00
199 City of Katy - 2001 Asphalt Overlay	October 2001	\$196,000.00
200 Fulshear Water Well & Water Plant Upgrade	November 2001	\$140,000.00
201 City of Katy - Heritage Museum	November 2001	\$200,000.00
202 City of Katy Library	November 2002	\$2,000,000.00
203 City of Brookshire Sewer Line Replacement	August 2002	\$200,000.00
204 City of Orchard Water Well & Elevated Tank	August 2002	\$270,000.00
205 City of Katy Sewage Treatment Plant Expansion	December 2002	\$3,000,000.00
206 City of Katy Water Plant #6	December 2002	\$1,500,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
207 City of Katy West Side Water Line Extension	June 2002	\$300,000.00
208 City of Katy - I-10 Sewer Line Replacement	September 2002	\$205,000.00
209 City of Beasley Sanitary Sewer System Evaluation & Rehabilitation	May 2003	\$200,000.00
210 City of Waller - U.S. Highway 290 Waterline Extension	June 2003	\$290,000.00
211 City of Katy Sidewalks	June 2003	\$200,000.00
212 City of Katy Waterline Replacement	June 2003	\$200,000.00
213 City of Fulshear 100,000 GPD Sewage Treatment Plant	July 2003	\$340,000.00
214 Waller County Country Club Water Well	July 2003	\$20,000.00
215 Sanitary Sewer Lift Station & Force Main (Love's Country Stores) Brookshire MWD & Waller County	July 2003	\$404,000.00
216 Water Well (Love's Country Stores) Brookshire MWD & Waller County	July 2003	\$50,000.00
217 City of Waller Water, Sanitary Sewer & Lift Station along F.M. 362	October 2004	\$253,000.00
218 City of Waller Water Sanitary Sewer & Gas Ext. Park 290 Road	October 2004	\$130,000.00
219 City of Katy Sanitary Sewer Line Replacement 2004	December 2004	\$171,000.00
220 City of Katy Water Line Replacement 2004	December 2004	\$240,000.00
221 City of Katy Sidewalk Imp. 2004	December 2004	\$54,000.00
222 City of Katy Regional Detention Pond	January 2005	\$1,163,000.00
223 Wall Wastewater Treatment Plant	February 2005	\$1,000,000.00
224 Magnolia Wastewater Treatment Plant	August 2005	\$627,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
225 Ranches of Clear Creek Paving and Drainage	May 2005	\$650,000.00
226 The Groves Subdivision Paving and Drainage	June 2005	\$275,000.00
227 City of Waller, Water Sanitary Sewer & Gas Extension along F.M. 362 North of Highway 290	July 2005	\$180,000.00
228 Creek Ridge Farms Subdivision Paving and Drainage	July 2005	\$275,000.00
229 City of Katy Water Line Replacement - 2005	September 2005	\$648,000.00
230 City of Brookshire - Sanitary Sewer Force Main	September 2005	\$98,500.00
231 City of Katy - Animal Control Facility	November 2005	\$200,000.00
232 City of Beasley - Wastewater Treatment Plant	November 2005	\$490,000.00
233 City of Katy Eleventh Street Drainage Project	November 2005	\$464,000.00
234 U.S. Flow Chem Water & Sanitary Sewer Project	December 2005	\$75,000.00
235 City of Katy, Sanitary Sewer line Replacement by Relining	December 2005	\$190,000.00
236 City of Katy, Sanitary Sewer line Generator for Water Plant & Wastewater Plant	December 2005	\$220,000.00
237 City of Fulshear, Emergency Replacement by open cut	December 2005	\$90,000.00
238 Providence Landing Subdivision Paving and Drainage	January 2006	\$200,000.00
239 City of Katy - Asphalt Overlay	February 2006	\$156,000.00
240 City of Katy - SCADA System	April 2006	\$120,000.00
241 City of Katy - Public Works Driveway	June 2006	\$43,000.00
City of Katy, Police Station Waterline		

<u>Project</u>	<u>Date</u>	<u>Amount</u>
242 Relocation	June 2006	\$32,000.00
243 City of Beasley, 100,000 Gallon Ground Storage Tank	July 2006	\$81,000.00
244 City of Katy - Sanitary Sewer line Replacement by Relining - 2006	August 2006	\$202,000.00
245 City of Katy, Waterline Replacement - 2006	September 2006	\$161,000.00
246 City of Katy - Emergency Generator Water Plant No. 3	October 2006	\$93,000.00
247 City of Katy - Waterline Replacement - 2007	June, 2006	\$260,000.00
248 City of Fulshear - Ground Storage Tank	August 2007	\$140,000.00
249 City of Katy - First Street Drainage Improvement	August 2007	\$85,000.00
250 City of Katy - Sewer Line Replacement by Pipe Bursting	October 2007	\$49,000.00
251 City of Katy - 12-inch Water Main Extension on I-10	November 2007	\$137,000.00
252 City of Katy - 2007 Asphalt Overlay	November 2007	\$206,000.00
253 City of Katy - 27-inch Sanitary Sewer Line	January 2008	\$287,000.00
254 City of Prairie View - Alta Vista Lift Station Renovation	March 2008	\$189,000.00
255 Lavaca Expo R.V. Park	March 2008	\$150,000.00
256 City of Katy Wastewater Lift Station Wetwell Renovation	March 2008	\$67,000.00
257 City of Katy - Ground Storage Tank Repainting	April 2008	\$72,000.00
258 City of Katy - Elevated Tank Repainting . . .	April 2008	\$62,000.00
259 Settler's Crossing Subdivision	August 2008	\$270,000.00
260 City of Katy - Sanitary Sewer Line Repairs - 2008	November 2008	\$356,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
261 Michael E DeBakey VA Hospital Emergency Water Well	November 2008	\$80,000.00
262 Ranches of Clear Creek - Section II	August 2008	\$110,000.00
263 City of Prairie View - Elevated Storage Tank Renovation	September 2008	\$187,000.00
264 City of Katy - 2008 Water Line Replacement	October 2008	\$179,000.00
265 City of Prairie View - Asphalt Street Improvement	November 2008	\$947,000.00
266 City of Katy - Kingsland Blvd Extension ...	May 2009	\$797,000.00
267 City of Waller - Stokes Road Water Line ..	May, 2009	\$92,426.40
268 City of Waller - 450,000 Gallon Ground Storage Tank	July 2009	\$222,400.00
269 City of Prairie View City Hall (Design/Build)	September 2009	\$805,000.00
270 City of Katy- Interstate 10 - 27-inch Sanitary Sewer	September 2009	\$614,614.00
271 City of Katy - Sanitary Sewer Replacement 2009	October 2009	\$167,892.60
272 City of Katy - Avenue D Water Line Replacement	October 2009	\$804,000.00
273 City of Katy - Asphalt Overlay - 2009	October 2009	\$139,601.50
274 City of Katy - Water Line Replacement - 2009	November 2009	\$146,965.00
275 City of Katy - Spoonbill Storm Sewer	November 2009	\$205,368.00
276 City of Prairie View - Richards Road Water Main & Lift Station	December 2009	\$349,957.30
277 City of Katy - Municipal Court Building (Design/Build)	December 2009	\$1,500,000.00
278 City of Prairie View = FM 1098 Utility Adjustment	February 2010	\$380,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
279 City of Katy - Fire Station Remodel (Design/Build)	March 2010	\$1,400,000.00
280 City of Katy - Avenue D Street Reconstruction	May 2010	\$950,000.00
281 City of Fulshear - FM 1093 Water & Sanitary Sewer Extension	May 2010	\$800,000.00
282 City of Katy - Cane Island Parkway Street & Bridge	June 2010	\$1,500,000.00
283 City of Katy - Social Services Building (Design/Build)	December 2010	\$1,000,000.00
284 City of Prairie View – Old Houston Sanitary Sewer Lift Station Renovation.	May 2011	\$50,000.00
285 City of Katy – Generator for Water Plant #2.	June 2011	\$262,469.00
286 City of Prairie View – Design of Outdoor Restrooms.	June 2011	\$48,000.00
287 City of Katy – 2011 Strom Sewer Improvements Patna – Rexora Lane.	July 2011	\$177,000.00
288 City of Prairie View – Emergency Generator for City Hall Building.	August 2011	\$42,309.00
289 Harris – Fort Bend County MUD #4 – 2011 Waterline Extension.	September 2011	\$353,850.00
290 Katy Development Authority – Lilac Street Extension.	October 2011	\$348,450.00
291 Brookshire M-W-D – Kenny Street Force Main.	November 2011	\$273,000.00
292 City of Prairie View – Greenfield Lift Station Modification.	December 2011	\$50,000.00
293 City of Waller – Petro Quip Sanitary Sewer Extension.	December 2011	\$210,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
294 Fort Bend County MUD #37 – Replacement of an Aerobic Digester.	December 2011	\$220,000.00
295 Tenth Street Bridge – Katy	January 2012	\$150,000.00
296 Emergency Water Well – Landmark	January 2012	\$21,000.00
297 City of Prairie View – Water Plant Improvements.	February 2012	\$350,000.00
298 City of Fulshear – Water & Sanitary Sewer Extension along FM 1093	February 2012	\$310,000.00
299 City of Katy – 2012 Water Line Improvements	February 2012	\$145,000.00
300 City of Waller – Petro Quip Sanitary Sewer Extension	February 2012	\$56,000.00
301 Brookshire Municipal Water District – Cleaning & Painting Elevated Tank No.1. . .	February 2012	\$168,000.00
302 Brookshire Municipal Water District – New Ground Storage Tank.	February 2012	\$199,200.00
303 Katy Development Authority – Tenth Street Bridge Replacement.	March 2012	\$151,000.00
304 City of Katy – North Village Green West Concrete Ditch Lining.	May 2012	\$140,000.00
305 City of Katy – Katyland Street Improvement	May 2012	\$3,500,000.00
306 Brookshire MWD – Ground Storage Tank & Booster Pump Improvements	June 2012	\$310,000.00
307 Fort Bend MUD 37 – Aerobic Digester	June 2012	\$240,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
308 Katy Development Authority – Katyland Drive - Paving, Drainage & Water Improvements.	July 2012	\$3,500,000.00
309 City of Katy – Town Park Ditch Concrete Lining	July 2012	\$370,000.00
310 City of Katy – 2012 Sewer Rehab	July 2012	\$240,000.00
311 City of Beasley – Avenue J Water Extension	August 2012	\$24,000.00
312 City of Katy – Water & Sanitary Sewer Improvement along Cane Island Parkway. .	September 2012	\$500,000.00
313 Brookshire Municipal Water District – New Water Well.	October 2012	\$350,00.00
314 City of Katy – 12-inch Waterline Extension along Cane Island Parkway	January 2013	\$240,000.00
315 City of Prairie View – Phase I Water Plant . .	January 2013	\$310,000.00
316 City of Katy – 27-inch Sanitary Sewer Extension along Cane Island Parkway	February 2013	\$390,000.00
317 City of Waller – 2012 Stokes Road Water Line Extension	February 2013	\$210,000.00
318 City of Waller – 12-inch Water Line Extension along Reinke Road	February 2013	\$240,000.00
319 City of Katy – 2013 Waterline Rehab	March 2013	\$180,000.00
320 City of Katy – 2013 Sanitary Sewer line Rehab	March 2013	\$160,000.00
321 City of Waller – 2013 Asphalt Street Rehab	April 2013	\$990,000.00

<u>Project</u>	<u>Date</u>	<u>Amount</u>
322 City of Waller - Water Plant #4	April 2013	\$510,000.00
323 Brookshire MWD Water Well NO. 5	May 2013	\$210,000.00
324 City of Prairie View – Phase II – Water Plant	June 2013	\$310,000.00
325 City of Katy – 2014 Asphalt Street Rehab . . .	January 2014	\$240,000.00
326 City of Katy – OPD Waterline Extension . . .	March 2014	\$148,800.00
327 City of Fulshear – Outdoor Restroom	April 2014	\$120,000.00
328 City of Waller – Alegacy Group Water & Sanitary Sewer Extension	May 2014	\$710,000.00
329 City of Waller – Chlorine Contact Basin Rehab	May 2014	\$68,000.00
330 City of Fulshear – Water Plant No. 1 Expansion	August 2014	\$2,500,000.00
331 City of Katy – Cane Island Parkway Paving & Bridge	October 2014	\$1,000,000.00
332 City of Katy – First Street Mobility Project . .	June 2015	\$450,000.00
333 Brookshire MWD Wastewater Plant Expansion	February 2015	\$750,000.00

CLIENT CONTACTS

- A. City of Brookshire
Eric Scott, Mayor
(281) 375-5050
- B. Brookshire Municipal Water District
Edith Penrice-Kelley President
(281) 375-5010
- C. Fort Bend County M.U.D. No. 37
David Carp, President
(713) 781-7500
- D. City of Beasley
Kenneth Reed, Mayor
979-387-2775
- E. City of Fulshear
D. Gordon Offord, City Secretary
(281) 346-1796
- F. City of Katy
Melissa Bunch, City Secretary
(281) 391-9181
- G. City of Waller
Danny Marburger, Mayor
(936) 372-3880
- H. City of Prairie View
Frank D. Jackson Mayor
(936) 857-3711
- I. City of Orchard
Rod Pavlock, Mayor
(979) 478-6893
- J. Village of Pleak
Larry Bittner
(281) 239-8504



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

SPECIAL AWARD CONDITIONS

CONSTRUCTION PROJECTS

Public Works Assistance
under Section 201 of the
Public Works and Economic Development Act of 1965, as amended

Project Title:

Muse Parkway and Old Houston Hwy Infrastructure Development Project

Recipient Name:

CITY OF PRAIRIE VIEW, TEXAS

Project Number:

08-01-05082

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

Authorized Representative

The Honorable Frank D. Jackson
Mayor
Phone: (936) 857-3711

44500 U.S. Business Hwy 290
Prairie View, TX 77446-0817
Email: fjackson@prairieviewtexas.gov

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

Jorge D. Ayala
Acting Regional Director
Austin Regional Office
(512) 381-8144

U.S. Department of Commerce
Economic Development Administration
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701-2450

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

Matthew P. Giannini
Area Director
P: (512) 381-8171
F: (512) 499-0478
Email: mgiannini@eda.gov

U.S. Department of Commerce
Economic Development Administration
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701-2450

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

Travis Barbier, Civil Engineer and
Area Environmental Officer
P: (512) 381-8140
F: (512) 499-0478
Email: tbarbier@eda.gov

U.S. Department of Commerce
Economic Development Administration
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701-2450

5. PROJECT DESCRIPTION /AUTHORIZED SCOPE OF WORK:

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

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

The EDA funds will be used for the Muse Parkway and Old Houston Highway Infrastructure Development Project. The financial assistance will allow the city of Prairie View to construct water and sewer lines and appurtenances that will accommodate a committed beneficiary, Tomball Forest. This company will create approximately 50 new jobs within a three to five year period, while retaining 100 jobs and investing \$5 million in capital improvements.

More specifically, the scope of work includes the following components:

- A new water system approximately twelve thousand eight hundred linear feet (12,800 LF) of ten-inch (10") PVC (C-900) water main lines, fifteen (15) fire hydrants, and appurtenances.
- A duplex sanitary sewer lift station, approximately five thousand seven hundred linear feet (5,700 LF) of eight-inch (8") PVC force main lines, three thousand seven hundred linear feet (3,700 LF) of ten-inch (10") PVC sewer main lines, four (4) manholes, and appurtenances.
- Trenching for the installation of water/sewer lines.

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

Return of Signed CD-450 Financial Assistance Award	30 calendar days after receipt
Start of Construction	24 Months from Date of Award
Construction Completed	36 Months from Date of Award
Authorized Award End Date	60 Months from Date of Award

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

The Recipient shall diligently pursue the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify EDA in writing of any event that could substantially delay meeting any of the proscribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA's taking action to terminate the Award in accordance with the regulations set forth at 2 C.F.R. § 200.339.

7. ALLOWABLE COSTS AND AUTHORIZED BUDGET: Total allowable costs will be determined at the conclusion of the award period in accordance with 2 C.F.R. Part 200, after Final Financial Documents are submitted.

Except as otherwise expressly provided for within these Special Award Conditions, the Investment Rate for the award (see 13 C.F.R. §§ 300.3 and 301.4) shall apply to allowable costs incurred by the Recipient in connection with the project. The Federal share in the allowable costs shall be based upon the Investment Rate (see 15 C.F.R. § 14.2(s)). In the event of an under run in total allowable costs for this project, the Federal share of allowable costs shall be determined by the

Investment Rate established in the Form CD-450, or previously executed Form CD-451. The Federal share of total allowable costs shall not exceed the dollar amount of the original Award and subsequent amendments, if any, absent a determination by the Assistant Secretary (see 13 C.F.R § 308.1).

Line Item Budget:

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

Federal Cash Contribution	\$1,046,000	(72.31%)
<u>Non-Federal Cash Contribution</u>	<u>\$ 400,475</u>	<u>(27.69%)</u>
Total Project Costs	\$1,446,475	(100.00%)

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

Line Items	Proposed	Approved
Administrative & Legal Expenses	\$ 60,000.00	\$ 1,000.00
Land, Structure, ROW	10,500.00	0.00
Relocation Expenses and Payments	0.00	0.00
Architectural & Engineering Fees	84,928.00	98,081.00
Other Architectural & Engineering Fees	0.00	15,700.00
Project Inspection Fees	0.00	22,906.00
Site Work	0.00	0.00
Demolition and Removal	0.00	0.00
Construction	999,150.00	1,145,300.00
Equipment	0.00	0.00
Miscellaneous	0.00	0.00
Contingencies	45,422.00	163,488.00
TOTAL PROJECT COSTS	\$1,200,000.00	\$1,446,475.00

Remarks

- Administrative and Legal Fees reduced to \$1,000.00
- Land, Structure, ROW, etc. costs associated with surveying and permits, moved to Other A/E Fees
- A/E Fees increased based on estimates from the Engineering Report
- Included Project Inspection based on estimates from the Engineering Report
- Construction increased based on estimates from the Engineering Report

8. **MATCHING SHARE:** The Recipient agrees to provide the Recipient's non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses. (See 13 C.F.R. § 300.3) The Recipient also certifies that, in accepting the Financial Assistance Award, the Recipient's Matching Share of the project costs is committed and unencumbered, from authorized sources, and shall be available as needed for the project. The award requires \$400,475 in matching funds which are authorized from the City's 2011 Bond Proceeds.
9. **CONSTRUCTION COMPLETION:** In keeping with prudent grants management policy, EDA construction projects must be completed within five (5) years from the date the Form CD-450 is signed by the Recipient accepting the Award. If construction is not completed by this date and the Grants Officer determines, after consultation with the Grant Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously, the grant may be

terminated. Extensions beyond the five year project period are exceedingly rare and can only be authorized by the Assistant Secretary. Nothing in this paragraph is intended to alter the Project Development Time Schedule set forth in provision 6 above.

10. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with Regulations at 2 C.F.R §§ 200.317-200.326, as applicable.
11. **USEFUL LIFE:** The useful life of this project is hereby determined to be 20 years from the date of Award.
12. **EVIDENCE OF GOOD TITLE:** In accordance with Section L of the U.S. Department of Commerce Standard Terms and Conditions, prior to the initial disbursement of funds by EDA, the Recipient shall provide opinion of counsel, satisfactory to the Government, that the Recipient has acquired good and marketable title to land, free of all encumbrances, as well as rights-of-way, and easements necessary for the completion of the project, or of a long-term leasehold interest in accordance with 13 C.F.R. § 314.
13. **GRANT ADMINISTRATION PLAN:** Within sixty (60) days of accepting the EDA Financial Assistance Award, the Recipient shall provide to the Regional Office a Grant Administration Plan which outlines how the Recipient will administer the EDA Award. The Plan must include the following information.
 - a. Names, addresses, phone and facsimile numbers and email addresses for all personnel responsible for all activities pertaining to the EDA Award. These activities include, but are not limited to, compliance with grant conditions, processing payment requests to EDA, engineering activities such as design, inspection, and legal services.
 - b. Proposed detailed project implementation schedule. The schedule shall contain as a minimum, the following milestones:
 - Request for Proposals for Engineering Services
 - Award of Engineering Contract
 - Start of Design Activities
 - Completion of Final Plans and Specifications
 - Date all Permits will be obtained
 - Advertisement for Bids
 - Bid Opening
 - Construction Contract Award
 - Pre-Construction Conference
 - Issuance of Notice-to-Proceed
 - Substantial Completion Date
 - Final Completion Date/Acceptance by Owner
 - c. Project Financial Plan: EDA funds will not be disbursed until all special award terms and conditions to the EDA Award are satisfied and all construction contracts are awarded. The plan must address how expenses will be paid prior to the disbursement of funds by EDA. The plan should explain who will be responsible for preparing payments requests to EDA.
14. **GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth in 41 C.F.R. § 60-4 establishes goals and timetables for participation of

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

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

Goals for minority participation shall be as prescribed by Appendix B-80, Federal Register, Volume 45, No. 194, October 3, 1980, or subsequent publications. The Recipient shall include the "*Standard Federal Equal Employment Opportunity Construction Contract Specifications*" (or cause them to be included, if appropriate) in all Federally-assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6. The minority participation goal for this project is 27.3%.

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

- The first one is Pay.Gov. This option allows the payee to pay EDA through the Internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.
- The second option is Paper Check conversion. All checks must identify on their face the name of the DOC agency funding the award, award number, and no more than a two-word description to identify the reason for the refund or check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA's Accounting Office, who processes EDA's accounting functions at the following address:

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

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

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

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

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

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

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

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

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

18. **PROPERTY MANAGEMENT STANDARDS:** The Recipient shall be responsible to ensure that the real property acquired or improved by this Award as an industrial park is used only for the authorized and specific purpose of an industrial park, and that the sell, lease, or conveyance parcels of the improved property within the park shall serve that purpose of the Award in accordance its terms and conditions and with 13 C.F.R. Part 314.

As the authorized purpose of the project is to construct facilities that will benefit and serve privately owned industrial or commercial parks or sites for sale or lease, such ownership, sale or

lease is permitted so long as EDA requirements continue to be met. Prior to the first disbursement of funds under the Award, EDA requires evidence that the private party has good marketable title to the park or site and conditions the award of project assistance upon a binding, enforceable agreement by the private party with the Recipient relating to the sale or lease of parcels in the industrial or commercial park that EDA determines are necessary to assure consistency with the project purpose.

19. **PLANS AND SPECIFICATIONS:** Recipient agrees to and shall cause the following to be placed in the project plans and specifications: "If Archeological Materials are encountered during construction, the procedures codified at 33 C.F.R. 800.13(b) will apply and the Recipient shall immediately stop construction in the area and contact EDA [Phone (512) 381-8144] and the Texas Historic Commission [Phone (512) 463-6100]. Archeological Materials consist of any items, fifty years or older which were made or used by man. These items include, but are not limited to, chipped stone tools, pottery, bone, historic crockery, glass, metal items or building materials."
20. **U.S. FISH AND WILDLIFE SERVICE (FWS):** Prior to the advertisement of the construction bid(s), the Recipient shall provide evidence satisfactory to the EDA that: 1) consultations under the Endangered Species Act/Migratory Bird Treaty Act/Marine Mammal Protection Act have been concluded with the FWS; and 2) all recommendations resulting from the consultations have been incorporated into the construction plans and specifications.
21. **U.S. ARMY CORPS OF ENGINEERS PERMITTING CLEARANCE:** Prior to advertisement for bids, the Recipient shall provide a copy of a valid Section 404 permit from the US Army Corps of Engineers (USACE) and satisfactory evidence that any mitigation set forth by the permit has been completed. If no Section 404 permit is required, the Recipient shall provide written verification from USACE that no Section 404 permit is required.

**U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION**

**STANDARD TERMS AND CONDITIONS
FOR CONSTRUCTION PROJECTS**

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



March 12, 2013

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**U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION**

**STANDARD TERMS AND CONDITIONS
FOR CONSTRUCTION PROJECTS**

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

PREFACE

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

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

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

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

**ECONOMIC DEVELOPMENT ADMINISTRATION
STANDARD TERMS AND CONDITIONS
FOR CONSTRUCTION PROJECTS**

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

A. General Requirements and Responsibilities.

1. Purpose.

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

2. Authority and Policies.

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

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

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

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

3. Definitions.

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

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

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

4. Grant Recipient as Trustee.

The Recipient holds grant funds and any EDA-assisted Project property in trust for the purpose(s) for which the Award was made. The Recipient's obligation to the Federal Government continues for the

estimated useful life of the Project, as determined by EDA, during which EDA retains an undivided equitable reversionary interest (the "Federal Interest") in the property improved, in whole or in part, with the EDA investment. *See* 13 C.F.R. § 314.2.

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

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

5. Reaffirmation of Application.

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

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

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

B. Financial Requirements.

1. Financial Reports.

- a. While EDA generally does not advance funds under an Award, the Recipient must submit Form SF-272, "Report of Federal Cash Transactions," for any Award where funds are to be advanced to the Recipient. Form SF-272 is due 15 business days following the end of each quarter for an Award under \$1 million, 15 business days following the end of each month for

an Award totaling \$1 million or more per year, or as otherwise specified in a special award condition. See 15 C.F.R. §§ 14.52(a)(2) or 24.41(c), as applicable.

- b. Any Recipient whose Award has not been fully disbursed is required to submit Form SF-425, "Federal Financial Report" to EDA semi-annually to report on the status of unreimbursed obligations. This report will provide information on the amount of allowable Project expenses that have been incurred, but not claimed for reimbursement by the Recipient. The reports must be submitted in accordance with the schedule outlined in the applicable Special Award Conditions. If deadlines for the submission of reports are not documented in the Special Award Conditions, the SF-425 shall be semi-annually, with the first report period ending as of March 31 of each year and submitted to EDA no later than April 30 of each year, and the second report ending as of September 30 of each year submitted to EDA no later than October 30 of each year. Instructions for completing and submitting Form SF-425 will be discussed during the project kick-off meeting. Recipients may contact their applicable EDA Project Officer with questions on how to complete or submit the report, if necessary; however Recipients are still required to submit reports on time and are encouraged to pose such questions sufficiently prior to the deadline to allow for timely submission of required reports.
- c. The Recipient must submit a final financial report using Form SF-425 within 90 calendar days of the expiration date of the Award.
- d. Noncompliance with these requirements will result in the suspension of disbursements under this Award.
- e. Financial reports are to be submitted to the Project Officer in electronic format, unless otherwise specified in the applicable special award conditions.

2. Disbursement Requests.

- a. *Method of Payment.* The Grants Officer determines the appropriate method of payment. Unless otherwise specified in a special award condition, the method of payment under this Award will be reimbursement. Payments will be made through electronic funds transfers directly to the Recipient's bank account and in accordance with the requirements of the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3720B *et seq.*). The Award number shall be included on all payment-related correspondence, information, and forms.
- b. *Disbursement Requests.* The Recipient shall use Form SF-271, "*Outlay Report and Request for Reimbursement for Construction Programs*," to request reimbursement under the Award. Substantiating invoices and/or vouchers also must be provided. Each request for the disbursement of funds shall be made to the Project Officer. Form SF-271 can be downloaded from OMB's website at www.whitehouse.gov/omb/grants/grants_forms.html.

- c. *Initial Disbursement Request.* For the initial disbursement only, the Recipient must complete and submit Form SF-3881, "ACH Vendor/Miscellaneous Payment Enrollment Form," along with Form SF-271, to the applicable EDA Project Officer.
- d. *Interim Disbursement Requests.* All requests for interim disbursement shall be submitted using Form SF-271 and include substantiating invoices and/or vouchers.

3. Federal and Non-Federal Cost Sharing.

- a. For the purposes of this Award, the Federal share is the amount of EDA funds invested under the Award, while the non-federal share, or "Matching Share," means non-EDA funds and any in-kind contributions that are approved by EDA and provided by the Recipient or third parties as a condition of the Award. Awards that include the Federal and non-Federal share incorporate an estimated budget consisting of shared allowable costs. If actual allowable costs are less than the total approved estimated budget, the Federal share and Matching Share shall be calculated by applying the approved federal and non-federal cost share ratios to actual allowable costs. *See* 13 C.F.R. §§ 305.10 and 308.1. If actual allowable costs are greater than the total approved estimated budget, the federal share shall not exceed the total federal dollar amount authorized by this Award.
- b. The Matching Share, whether cash or in-kind, shall be paid out at the same rate as the federal share. Exceptions to this requirement may be granted by the Grants Officer based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or in-kind contributions. In any case, the Recipient must meet its cost share commitment over the Award period.
- c. The Recipient must create and maintain sufficient records justifying the required Matching Share to facilitate questions, audits, and other inquiries necessary to meet EDA's requirements to safeguard Federal funds, and must provide these records if requested by EDA, auditors, or other Federal parties. EDA may disallow undocumented costs. *See* section C.17 of these Construction Standard Terms and Conditions.
- d. The Recipient shall show that the Matching Share is committed to the Project, available as needed, and not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 C.F.R. § 301.5.

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

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

- a. Requests for budget revisions to the EDA-approved budget in accordance with the provisions provided below must be submitted through the Project Officer to the Grants Officer, who shall make the final determination on such requests and notify the Recipient in writing.
- b. Amendments to this Award require preparation of Form CD-451, "*Amendment to Financial Assistance Award*," or any successor form, for execution by both the Grants Officer and the Recipient. Form CD-451 is required for the following:
 - (i) Changes to the Project scope of work;
 - (ii) Budget revisions requiring additional EDA or non-EDA funds;
 - (iii) Budget revisions that result in cumulative transfer among direct cost categories in excess of 10 percent of the project cost and the federal share is greater than \$100,000;
 - (iv) The inclusion of costs for which EDA's prior approval is needed under the following OMB Circulars: Circular A-21, "*Cost Principles for Educational Institutions*" (2 C.F.R. part 220); Circular A-87, "*Cost Principles for State, Local, and Indian Tribal Governments*" (2 C.F.R. part 225); and Circular A-122, "*Cost Principles for Non-Profit Organizations*" (2 C.F.R. part 230), as applicable;
 - (v) Change of site location;
 - (vi) Change or addition of Recipient;
 - (vii) Time extensions; and
 - (viii) Modifications to the Terms and Conditions of the Award, other than time extensions.
- c. When an Award supports both construction and non-construction work, the Recipient must obtain prior written approval from the Grants Officer before making any fund or budget transfer from non-construction to construction or vice versa. *See* 15 C.F.R. §§ 14.25(j) or 24.30(c)(3), as applicable.
- d. Transfers shall not be permitted if such transfers would cause any Federal appropriation, or part thereof, to be used for purposes other than those intended. This transfer authority does not authorize the Recipient to create new budget categories within an approved budget unless the Grants Officer has provided prior written approval. In addition, this does not prohibit the Recipient from requesting the Grants Officer's approval for revisions to the budget. *See* 15 C.F.R. §§ 14.25(e) and (f) or 24.30(c), as applicable.
- e. The Recipient is not authorized at any time to transfer amounts budgeted for direct costs to the indirect costs line item or vice versa, without written prior approval of the Grants Officer.
- f. *Project Underrun Amounts.* Underrun amounts shall be transferred to the contingencies line item. Contingency funds are to be used to address situations resulting from unknown conditions and changes required for the fulfillment of authorized activities under this Award. EDA may approve the use of underrun funds to increase the Federal share of the Project or further improve the Project, as long as the improvements are approved by EDA and consistent with the original purpose of the approved EDA investment. *See* 13 C.F.R. § 308.1.

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

5. Indirect Costs and Facilities and Administrative Costs.

- a. Indirect costs, or facilities and administrative (F&A) costs for educational institutions, are generally not applicable under this Award.
- b. When indirect costs are applicable, they will not be allowable charges against the Award unless permitted under the award and specifically included as a line item in the award's approved budget.
- c. Excess indirect costs may not be used to offset unallowable direct costs.
- d. OMB established the cognizant agency concept, under which a single agency represents all others in dealing with Recipients in common areas. The cognizant agency reviews and approves Recipients' indirect cost rates. Approved rates must be accepted by other agencies, unless specific program regulations restrict the recovery of indirect costs. If indirect costs are permitted and the Recipient would like indirect costs in its budget, but the Recipient has not previously established an indirect cost rate with a Federal agency, the negotiation and approval of a rate is subject to the procedures in applicable cost principles and the following subparagraphs:
 - (i) State and Local Governments: Department of Health and Human Services (HHS) serves as the cognizant agency for all States and most cities. For certain State agencies, cities and counties, OMB published a list of cognizant Federal agency assignments on January 6, 1986 (51 F.R. 552). The cognizant agency for governmental units or agencies not specifically identified by OMB will be determined based on the Federal agency providing the largest amount of Federal funds. *See* Subsection D.1.b. of Appendix E to 2 C.F.R. part 225 (OMB Circular A-87);
 - (ii) Indian Tribes: Department of the Interior serves as the cognizant agency for all Indian tribal governments. *See* Subsection D.1.c. of Appendix E to 2 C.F.R. part 225 (OMB Circular A-87);
 - (iii) Educational Institutions: Department of Health and Human Services or the Department of Defense's Office of Naval Research serves as the cognizant agency for educational institutions as determined in accordance with Subsection G.11. of Appendix A to 2 C.F.R. part 220 (OMB Circular A-21);
 - (iv) Non-Profit Organizations: Cognizant agency is determined by calculating which Federal agency provides the largest dollar amount of awards to the non-profit organization in accordance with Subsection E.2. of Appendix A to 2 C.F.R. part 230 (OMB Circular A-122); and

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

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

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

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

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

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

- e. When DOC is not the oversight or cognizant Federal agency, the Recipient shall provide the Project Officer with a copy of a negotiated rate agreement or a copy of the transmittal letter submitted to the cognizant or oversight federal agency requesting a negotiated rate agreement.
- f. If the Recipient fails to submit the required documentation to DOC within 90 business days of the Award start date, the Grants Officer may amend the Award to preclude the recovery of any indirect costs under the Award. If the DOC, oversight, or cognizant Federal agency determines there good and sufficient cause to excuse the Recipient's delay in submitting the documentation, an extension of the 90-business day due date may be approved by the Grants Officer.
- g. The maximum dollar amount of allocable indirect costs for which DOC will reimburse the Recipient shall be the lesser of:
- (i) The line item amount for the Federal share of indirect costs contained in the approved budget of the Award; or

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

6. Incurring Costs Prior to Award.

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

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

- a. The Recipient shall not incur costs or obligate funds for any purpose pertaining to the Project, program, or activities beyond the authorized project period documented in the Award agreement, unless a written time extension of this Award is granted by the Grants Officer. The only costs that are authorized for a period of up to 90 calendar days following that date are those strictly associated with Closeout activities. Closeout activities are generally limited to the preparation of final progress, financial, and required project audit reports unless otherwise approved in writing by the Grants Officer. The Grants Officer may approve extensions of the 90-calendar day Closeout period upon a request by the recipient as provided in 15 C.F.R. §§ 14.71 or 24.50.
- b. The Recipient shall adhere to the development time schedule and time limits set out in the Terms and Conditions of this Award. Any such Term or Condition supersedes the development time schedule and time limits set out in these Construction Standard Terms and Conditions.
- c. Neither DOC nor EDA have any obligation to provide any additional prospective funding. Any amendment of the award to increase funding and to extend the project period is at the sole discretion of DOC and/or EDA.

8. Time Extensions.

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

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

- b. The Recipient is responsible for implementing the Project in accordance with the development time schedule contained in this Award. As soon as the Recipient becomes aware that it will not be possible to meet the development time schedule, the Recipient must notify the Grants Officer. The Recipient's notice to EDA must contain the following:
 - (i) An explanation of the Recipient's inability to complete work by the specified date (e.g., a lengthy period of unusual weather delayed the contractor's ability to excavate the site, major re-engineering required in order to obtain State or federal approvals, unplanned environmental mitigation required);
 - (ii) A statement that no other changes to the Project are contemplated;
 - (iii) Documentation that demonstrates there is still a bona fide need for the Project; and
 - (iv) A statement that no further delay is anticipated and that the Project can be completed within the revised time schedule.

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

9. Tax Refunds.

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

10. Program Income.

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

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

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

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

C. Programmatic Requirements.

1. Project Progress and Performance Reporting.

- a. Project progress reports must be submitted in accordance with the procedures set out in 15 C.F.R. parts 14 or 24, as applicable, and as indicated below. Failure to submit required reports in a timely manner may result in the withholding of payments under this Award; deferral of processing of new awards, amendments, or supplemental funding pending the receipt of the overdue report(s); or the establishment of an account receivable for the difference between the total federal share of outlays last reported and the amount disbursed. *See* 13 C.F.R. § 302.18(a).
- b. Unless otherwise specified in this Award, the Project progress report will contain the following information for each Project program, function, or activity:
 - (i) A comparison of planned and actual accomplishments according to the timetable or list of Project objectives in this Award;
 - (ii) An explanation of any delays or failures to meet the Project timetable or Project goals; and
 - (iii) Any other pertinent information including, when appropriate, analysis, and explanation of cost overruns or high unit costs.

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

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

2. Interim Reporting.

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

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

3. Government Performance and Results Act Reporting.

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

4. Unsatisfactory Performance.

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

5. Programmatic Changes.

- a. The Recipient must report to the Project Officer and request prior approval for any programmatic change to the Award, in accordance with 15 C.F.R. §§ 14.25 or 24.30, as applicable. The Project Officer forwards requests for consideration by the Grants Officer, who must provide written approval for applicable programmatic changes.
- b. Any changes made to the Project without EDA's approval are made at the Recipient's risk of nonpayment of costs, suspension, termination, or other EDA action with respect to the Award. *See* 13 C.F.R. § 302.7(b).
- c. *Contract Change Orders.* After construction contracts for the Project have been executed, it may become necessary to alter them. This requires a formal contract change order that must be issued by the Recipient and accepted by the contractor. All contract change orders must be reviewed by EDA, even if EDA is not participating in the cost of the change order or the contract price is to be reduced. Work on the Project may continue pending EDA review and approval of the change order, but all such work shall be at the Recipient's risk as to whether the cost of the work is eligible for EDA participation until the Recipient receives EDA approval for the change order. *See* 13 C.F.R. § 305.13.

6. Other Federal Awards with Similar Programmatic Activities.

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

7. Noncompliance with Award Provisions.

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

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

8. Use by Beneficiary.

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

9. Prohibition Against Assignment by the Recipient.

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

10. Disclaimer Provisions; Hold Harmless Requirement.

- a. The United States expressly disclaims any and all responsibility or liability to the Recipient or third persons for the actions of the Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this Award or any subaward or subcontract under this Award.
- b. The acceptance of this Award by the Recipient does not in any way constitute an agency relationship between the United States and the Recipient.
- c. To the extent permitted by law, the Recipient agrees to indemnify and hold the Government harmless from and against all liabilities that the Government may incur as a result of providing an Award to assist, directly or indirectly, in the preparation of the Project site or construction, renovation, or repair of any facility on the Project site, to the extent that such liabilities are incurred because of toxic or hazardous contamination or groundwater, surface water, soil, or other conditions caused by operations of the Recipient or any of its predecessors (other than the Government or its agents) on the property. *See* 13 C.F.R. § 302.19.

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

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

12. Payment of Attorneys' or Consultants' Fees.

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

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

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

- a. On the date the Government executes this Award or within the one-year period ending on that date, served as an officer, attorney, agent, or employee of the Government, and
- b. Occupied a position or engaged in activities that the Assistant Secretary determines involved discretion with respect to the award of Investment Assistance under PWEDA.

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

14. Commencement of Construction.

- a. **Delayed Construction Starts.** If significant construction (as determined by EDA) is not commenced within two years of the Award date or by the date estimated for start of construction in this Award (or the expiration of any extension granted in writing by EDA), whichever is later, this Award will be automatically suspended and may be terminated if EDA determines, after consultation with the Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously. If significant construction has not been commenced within three years of the Award date, an extension must be approved by the Assistant Secretary.
- b. **Early Construction Starts.** The Recipient shall make a written request to EDA for early construction start permission (that is, after the date of Award, but before EDA gives formal approval for construction to commence). For Project costs to be eligible for EDA reimbursement, EDA must determine that the award of all contracts necessary for design and construction of the Project facilities is in compliance with the Terms and Conditions of this Award. If construction commences prior to EDA's determination, the Recipient proceeds at its own risk until EDA's review and concurrence. *See* 13 C.F.R. § 305.11.
- c. **Project Sign.** The Recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign (or signs) in a conspicuous place at the Project site indicating that the Federal Government is participating in the Project. EDA will provide specifications for the sign and may require more than one sign if site conditions so warrant. If the EDA-recommended sign specifications conflict with State or local law, the Recipient may modify such recommended specifications so as to comply with State or local law. *See* 13 C.F.R. § 305.12.

15. Efficient Administration of Project.

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

16. Conflicts-of-Interest Rules.

- a. An "Interested Party" is defined in 13 C.F.R. § 300.3 as "any officer, employee, or member of the board of directors or other governing board of the Recipient, including any other parties that advise, approve, recommend, or otherwise participate in the business decisions of the Recipient, such as agents, advisors, consultants, attorneys, accountants, or shareholders." An Interested Party includes the Interested Party's "Immediate Family" (defined in 13 C.F.R. § 300.3 as a person's spouse, parents, grandparents, siblings, children, and grandchildren, but does not include distant relatives, such as cousins, unless the distant relative lives in the same household as the person) and other persons directly connected to the Interested Party by law or through a business organization. In addition, "Immediate Family" includes an Interested Party's "significant other" or partner.
- b. The Recipient must establish safeguards to prohibit an Interested Party from using its position for a purpose that constitutes or presents the appearance of personal or organizational conflicts-of-interest or of personal gain. See 13 C.F.R. § 302.17(a) and (b), 15 C.F.R. §§ 14.42 or 24.36(b)(3), as applicable, and Forms SF-424B ("Assurances – Non-Construction Projects") and SF-424D ("Assurances – Construction Projects").
- c. An Interested Party must not receive any direct or indirect financial or personal interests or benefits in connection with this Award or its use for payment or reimbursement of costs by or to the Recipient. A financial interest or benefit may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward. An appearance of impairment of objectivity could result from an organizational conflict where, because of other activities or relationships with other persons or entities, a person is unable or potentially unable to render impartial assistance or advice. It also could result from non-financial gain to the individual, such as benefit to reputation or prestige in a professional field. See 13 C.F.R. § 302.17(b).

17. Record-Keeping Requirements.

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

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

b. *Records Retention.*

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

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

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

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

18. Termination Actions.

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

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

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

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

19. Project Closeout Procedures.

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

- a. *Final Disbursement.* When Project construction and final inspection have been completed, or substantially completed as determined by EDA, and the Recipient has accepted the Project from the contractor, the Recipient can begin the Closeout process by submitting the following documentation to EDA:
 - (i) A request for final disbursement on an executed Form SF-271;
 - (ii) A written certification that all costs claimed are for eligible activities under this Award, for which there is documentation in the Recipient's records;
 - (iii) An executed certificate of final acceptance signed by the Recipient and the Recipient's architect/engineer;
 - (iv) The Recipient's certification that its currently valid single or program-specific audit in accordance with OMB Circular A-133, "*Audits of States, Local Governments, and Non-Profit Organizations*," if applicable, does not contain

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

- (v) The Recipient's certification that its currently valid audit (in accordance with OMB Circular A-133), if applicable, has been submitted to the Federal Audit Clearinghouse; and
- (vi) Other documentation as may be required by EDA.

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

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

- b. The Recipient shall submit, within 90 calendar days after the Project Closeout date, all financial, performance, and other reports as required by the Terms and Conditions of this Award.
- c. As required under GPRA and in accordance to a schedule that will be provided by EDA, the Recipient must submit additional Performance Measurement Reports, generally three, six, and nine years after the date of the Award to accurately and completely report the impacts of the Project, especially in terms of job creation and private investment leveraging.
- c. Unless EDA authorizes an extension, the Recipient shall liquidate all obligations incurred under this Award no later than 90 calendar days after acceptance of the Project from the contractor or before the expiration date of this Award, whichever occurs earlier.
- d. The Closeout of this Award does not affect any of the following:
 - (i) Audit requirements per OMB Circular A-133 and the related "Compliance Supplement;"
 - (ii) The right of EDA to disallow costs and recover funds on the basis of a later audit or other Project review;
 - (iii) The Recipient's obligation to return any funds due as a result of later corrections or other transactions; and
 - (iv) Requirements for property management, records retention, and performance measurement reports.

20. Freedom of Information Act.

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

D. Additional Requirements Relating to Construction Projects.

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

1. **The Davis-Bacon Act, as amended (40 U.S.C. §§ 3141-3144, 3146, 3147; 42 U.S.C. § 3212)**
Requiring minimum wages for mechanics and laborers employed on Federal Government public works projects to be based on the wages the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the Project is to be performed, or in the District of Columbia if the Project is to be performed there.
2. **The Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. §§ 3701 – 3708)**
Providing work hour standards for every laborer and mechanic employed by any contractor or subcontractor in the performance of a federal public works project.
3. **The National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470 et seq.), and the Advisory Council on Historic Preservation Guidelines**
Requiring projects involving Federal funds to follow the requirements of the National Historic Preservation Act, which requires stewardship of historic properties.
4. **The Historical and Archeological Data Preservation Act of 1974, as amended (16 U.S.C. § 469a-1 et seq.)**
Requiring appropriate surveys and preservation efforts if a Federally-licensed project may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data.

5. **Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151 et seq.),** and the regulations issued thereunder, which prescribe standards for the design and construction of any building or facility intended to be accessible to the public or that may house handicapped employees.
6. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 4601 et seq.),** and implementing regulations issued at 49 C.F.R. part 24, which establish uniform policies for the fair and equitable treatment of persons, businesses, or farm operations affected by the acquisition, rehabilitation, or demolition of real property acquired for a Project financed wholly or in part with Federal financial assistance.
7. **The Energy Conservation and Production Act (42 U.S.C. § 6834 et seq.)** Establishing energy efficiency performance standards for the construction of new residential and commercial structures undertaken with Federal financial assistance.
8. **Requirements for New Construction.** For new building construction projects, the Recipient will comply with current local building codes, standards, and other requirements applicable to the Project.

E. Non-Discrimination Requirements.

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

1. **Statutory Provisions.**
 - a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) and DOC implementing regulations published at 15 C.F.R. part 8, which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;
 - b. Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), which prohibits discrimination on the basis of sex under federally assisted education programs or activities;
 - c. Pub. L. No. 92-65, 42 U.S.C. § 3123, which proscribes discrimination on the basis of sex in EDA assistance provided under PWEDA; Pub. L. No. 94-369, 42 U.S.C. § 6709, which proscribes discrimination on the basis of sex under the Local Public Works Program; and the Department's implementing regulations at 15 C.F.R. §§ 8.7-8.15;

- d. The Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.) (ADA), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by State and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;
- e. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. part 8b, which prohibit discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance:
- f. Revised ADA Standards for Accessible Design for Construction Awards: The U.S. Department of Justice has issued revised regulations implementing Title II of the ADA (28 C.F.R. part 35; 75 F.R. 56164, as amended by 76 F.R. 13285) and Title III of the ADA (28 C.F.R. part 36; 75 F.R. 56164, as amended by 76 F.R. 13286). The revised regulations adopted new enforceable accessibility standards called the “2010 ADA Standards for Accessible Design” (2010 Standards). The 2010 Standards are an acceptable alternative to the Uniform Federal Accessibility Standards (UFAS). DOC deems compliance with the 2010 Standards to be an acceptable means of complying with the Section 504 accessibility requirements for new construction and alteration projects under 15 C.F.R. § 8b.18(c), as follows:
 - (i) Public Recipients subject to Title II of the ADA may use either the 2010 Standards or UFAS where the physical construction or alternations commence on or after September 15, 2010 and before March 15, 2012 (see 28 C.F.R. § 35.151(c)(2)); and
 - (ii) Private Recipients subject to Title III of the ADA may use either the 2010 Standards or UFAS if the date when the last application for a building permit or permit extension is certified to be complete by a State, county, or local government (or, in those jurisdictions where the government does not certify completion of applications, if the date when the last application for a building permit or permit extension is received by the State, county, or local government) is on or after September 15, 2010 and before March 15, 2012, or if no permit is required, if the start of physical construction or alterations occurs on or after September 15, 2010 and before March 15, 2012 (see 28 C.F.R. § 36.406(a)(2)).

In all cases, once a Recipient selects an applicable ADA accessibility standard (i.e., the 2010 Standards or UFAS), that standard must be applied to the entire facility.

As of March 15, 2012, all new construction and alteration projects must comply with the 2010 Standards.

- g. The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) and DOC implementing regulations published at 15 C.F.R. part 20, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- h. Other applicable Federal statutes, regulations, and Executive Orders, and other applicable non-discrimination law(s).

2. Other Provisions.

- a. Parts II and III of Executive Order 11246 (30 Fed. Reg. 12319, 1965), as amended by Executive Order 11375 (32 Fed. Reg. 14303, 1967) and 12086 (43 Fed. Reg. 46501, 1978), requiring Federally-assisted construction contracts to include the nondiscrimination provisions of §§ 202 and 203 of that Executive Order and Department of Labor regulations implementing Executive Order. 11246 (41 C.F.R. § 60-1.4(b), 1991).
- b. Executive Order 13166 (August 11, 2000), "*Improving Access to Services for Persons With Limited English Proficiency*," requiring Federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them, and DOC policy guidance issued on March 24, 2003 (68 F.R. 14180) to Federal financial assistance recipients on the Title VI prohibition against national origin discrimination affecting LEP persons.

3. Title VII Exemption for Religious Organizations.

Generally, Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*), provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

F. Audits.

Under the Inspector General Act of 1978, as amended (5 U.S.C. App. 3, § 1 *et seq.*), an audit of the Award may be conducted at any time. The Department's Inspector General ("OIG"), or any of his or her duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the Recipient, whether written, printed, recorded, produced, or reproduced by any electronic, mechanical, magnetic, or other process or medium, in order to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law. When the OIG requires a program

audit on a DOC Award, the OIG will usually make the arrangements to audit the Award, whether the audit is performed by OIG personnel, an independent accountant under contract with DOC, or any other Federal, State, or local audit entity.

1. Requirement to Have an OMB Circular A-133 Audit Performed; Organization-Wide, Program-Specific, and Project Audits.

- a. Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," and the related "Compliance Supplement." Recipients that expend Federal awards of \$500,000 or more in a fiscal year shall have an audit conducted for that year in accordance with the requirements contained in OMB Circular A-133. A copy of the audit shall be submitted to the Bureau of the Census, which has been designated by OMB as a central clearinghouse, by electronic submission to the Federal Audit Clearinghouse website, which may be accessed at: <http://harvester.census.gov/sac/>. Please visit the website's "Frequently Asked Questions" for more information on submitting audit materials.

If it is necessary for a Recipient to submit using paper, the address for submission is:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

- b. Unless otherwise specified in the terms and conditions of the award, in accordance with 15 C.F.R. § 14.26(c) and (d), for-profit hospitals, commercial entities, and other organizations not required to follow the audit provisions of OMB Circular A-133 shall have an audit performed when the Federal share amount awarded is \$500,000 or more over the duration of the project period. Unless otherwise specified in the terms and conditions of the award, an audit is required at least once every two years using the following schedule for audit report submission:
- (i) For awards where the project period is less than two years, an audit is required within 90 business days of the end of the project period – the award close-out period is included in the 90 business days;
 - (ii) For awards with a two- or three-year project period, an audit is required within 90 days after the end of the first year, which is the period of time when Federal funding is available for obligation by the recipient, and within 90 business days of the end of the project period – the award close-out is included in the 90 business days; or
 - (iii) For awards with a four- to five-year project period, an audit is required within 90 business days after the end of the first year and third year, and within 90

business days of the end of the project period – the award close-out period is included in the 90 business days.

Some DOC programs have specific audit guidelines that will be incorporated into the Award. When DOC does not have a program-specific audit guide available for the program, the auditor will follow the requirements for a program-specific audit as described in OMB Circular A-133, § .235. The Recipient may include a line item in the budget for the cost of the audit for approval. A copy of the program-specific audit shall be submitted to the Grants Officer as specified in the Award Terms and Conditions, and to the OIG at NonFederalAudits@OIG.DOC.GOV. If e-mail is unavailable, submission to the OIG can be made at the following address:

Office of Inspector General
U.S. Department of Commerce
Atlanta Regional Office of Audits
401 West Peachtree Street, N.W., Suite 2742
Atlanta, GA 30308

2. Requirement to Submit Audit to EDA.

If the Recipient's currently valid audit required under OMB Circular A-133 contains materials findings, the Recipient must submit the audit, preferably via e-mail, to the Project Officer, who will review with the Grants Officer. If e-mail is unavailable, the Recipient may submit a hardcopy version of the audit to the relevant Project Officer. *See also* section C.18.a. of these Construction Standard Terms and Conditions.

3. Audit Resolution Process.

- a. An audit of the Award may result in the disallowance of costs incurred by the Recipient and the establishment of a debt (account receivable) due to EDA. For this reason, the Recipient should take seriously its responsibility to respond to all audit findings and recommendations with adequate explanations and supporting evidence whenever audit results are disputed.
- b. In accordance with the *Federal Register* notice dated January 27, 1989 (54 Fed. Reg. 4053), a Recipient whose Award is audited has the following opportunities to dispute the proposed disallowance of costs and the establishment of a debt:
 - (i) Unless the OIG determines otherwise, the Recipient has 30 business days from the date of the transmittal of the "Draft Audit Report" to submit written comments and documentary evidence.
 - (ii) The Recipient has 30 business days from the date of the transmittal of the "Final Audit Report" to submit written comments and documentary evidence. There shall be no extension of this deadline.
 - (iii) EDA shall review the documentary evidence submitted by the Recipient and shall notify the Recipient of the results in an "Audit Resolution Determination

Letter.” The Recipient has 30 business days from the date of receipt of the Audit Resolution Determination Letter to submit a written appeal. There shall be no extension of this deadline. The appeal is the last opportunity for the Recipient to submit written comments and documentary evidence that dispute the validity of the Audit Resolution Determination Letter.

- (iv) An appeal of the Audit Resolution Determination Letter does not prevent the establishment of the audit-related debt nor does it prevent the accrual of interest on such debt. If the Audit Resolution Determination Letter is overruled or modified on appeal, appropriate corrective action will be taken retroactively. An appeal will stay the offset of funds owed by the auditee against funds due to the auditee.
- (v) The DOC shall review the Recipient’s appeal and notify the Recipient of the results in an Appeal Determination Letter. After the opportunity to appeal has expired or after the appeal determination has been rendered, DOC will not accept any further documentary evidence from the recipient. No other administrative appeals are available in DOC.

G. Debts.

1. Payment of Debts Owed the Federal Government.

Any debt determined to be owed to the Federal Government must be paid promptly by the Recipient. In accordance with 15 C.F.R. § 19.1, delinquent debt is a debt that has not been paid by the date specified in the agency’s initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made. In accordance with 15 C.F.R. § 19.5 and 31 U.S.C. § 3717, failure to pay a debt by the due date, or if there is no due date, within 30 calendar days of the billing date, shall result in the assessment of interest, penalties and administrative costs in accordance with the provisions of 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. DOC entities will transfer any DOC debt that is more than 180 calendar days delinquent to the Financial Management Service for debt collection services, a process known as “cross-servicing,” pursuant 31 U.S.C. § 3711(g), 31 C.F.R. § 285.12 and 15 C.F.R. § 19.9, and may result in DOC taking further action as specified in the standard term and condition entitled “Noncompliance With Award Provisions.” Funds for payment of a debt must not come from other Federally sponsored programs. Verification that other Federal funds have not been used will be made, e.g., during on-site visits and audits.

2. Late Payment Charges.

- a. Interest shall be charged on the delinquent debt in accordance with section 3717(a) of the Debt Collection Act (see 31 U.S.C. § 3701 *et seq.* for the entire Debt Collection Act), as amended. The minimum annual interest rate to be assessed is the Department of the Treasury’s Current Value of Funds Rate (CVFR). The CVFR is available online at <http://www.fms.treas.gov/cvfr/index.html>. The CVFR is published by the Department of the

Treasury in the Federal Register

(<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>) and in the Treasury Financial Manual Bulletin. The assessed rate shall remain fixed for the duration of the indebtedness.

- b. Penalties shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law.
- c. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by the DOC entity collecting the debt, as directed by the Office of the Deputy Chief Financial Officer.

3. Barring Delinquent Federal Debtors from Obtaining Federal Loans or Loan Insurance Guarantees.

Pursuant to 31 U.S.C. § 3720B and 31 C.F.R. § 901.6, unless waived, the Department is not permitted to extend financial assistance in the form of a loan, loan guaranty, or loan insurance to any person delinquent on a non-tax debt owed to a federal agency. This prohibition does not apply to disaster loans.

4. Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs.

Pursuant to 28 U.S.C. § 3201(e), unless waived by DOC, a debtor who has a judgment lien against the debtor's property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the U.S. or to receive funds directly from the Federal Government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

H. Governmentwide Debarment and Suspension (Non-procurement).

The Recipient shall comply with the provisions of subpart C of 2 C.F.R. part 1326, "*Non-Procurement Debarment and Suspension*" (published in the *Federal Register* on December 21, 2006, 71 FR 76573), which generally prohibit entities that have been debarred, suspended, or voluntarily excluded from participating in Federal non-procurement transactions either through primary or lower-tier covered transactions, and which set forth the responsibilities of recipients of Federal financial assistance regarding transactions with other persons, including subrecipients and contractors.

I. Drug-free Workplace.

The Recipient shall comply with the provisions of the Drug-Free Workplace Act of 1988 (Pub. L. No. 100-690, Title V, Sec. 5153, as amended by Pub. L. No. 105-85, Div. A., Title VIII, Sec. 809, as codified at 41 U.S.C. § 8102), and the Department's implementing regulations found at 15 C.F.R.

part 29, “Government-wide Requirements for Drug-Free Workplace (Financial Assistance,)” which require that the Recipient take steps to provide a drug-free workplace.

J. Lobbying Restrictions.

- a. *Statutory Provisions.* The Recipient must comply with the provisions of 31 U.S.C. § 1352 and the Department’s implementing regulations published at 15 C.F.R. part 28, “*New Restrictions on Lobbying.*” These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the United States government in connection with the Award and require the disclosure of the use of non-Federal funds for lobbying.
- b. *Disclosure of Lobbying Activities.* A Recipient receiving in excess of \$100,000 in federal funding must submit a completed Form SF-LLL, “*Disclosure of Lobbying Activities,*” regarding the use of non-Federal funds for lobbying. The Form SF-LLL must be submitted within 30 calendar days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Recipient must submit Form SF-LLL from all applicable parties, including those received from subrecipients, contractors, and subcontractors, to the Project Officer.
- c. *Special Provisions Relating to Indian Tribes.* As set out in 31 U.S.C. § 1352, there are special provisions applicable to Indian Tribes, tribal organizations, or other Indian organizations eligible to receive Federal contracts, grants, loans, or cooperative agreements. In accordance with Departmental policy, EDA recognizes Tribal Employment Rights Ordinances (“TEROs”), which may provide for preferences in contracting and employment, in connection with its financial assistance awards. Tribal ordinances requiring preference in contracting, hiring, firing, and the payment of a TERO fee generally are allowable provisions under federal awards granted to American Indian and Alaska Native tribal governments. The payment of the TERO fee, which supports the tribal employment rights office to administer the preferences, should generally be allowable as an expense that is “necessary and reasonable for proper and efficient performance and administration” of an Award, as provided under the applicable cost principles set out in 2 C.F.R. part 225.

K. Codes of Conduct and Subaward, Contract, and Subcontract Provisions.

1. Code of Conduct for Recipients.

Pursuant to the certification in Form SF-424B, paragraph 3, the Recipient must maintain written standards of conduct to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflicts-of-interest or personal gain in the administration of this Award.

2. Applicability of Award Provisions to Subrecipients.

- a. The Recipient shall require all subrecipients, including lower tier subrecipients, under the award to comply with the provisions of this Award, including applicable cost principles, administrative, and audit requirements, and all associated Terms and Conditions.
- b. A Recipient is responsible for subrecipient monitoring, including the following:
 - (i) *Award Identification* – At the time of the Award, identifying to the subrecipient the federal award information (e.g., Catalog of Federal Domestic Assistance (CFDA) title and number, name of the Federal agency, and the Award number) and applicable compliance requirements.
 - (ii) *During-the-Award Monitoring* – Monitoring the subrecipient’s use of federal awards through reporting, site visits, regular contact, or other means to provide reasonable assurance that the subrecipient administers Federal awards in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.
 - (iii) *Subrecipient Audits* – Ensuring that a subrecipient expending federal awards of \$500,000 or more during the subrecipient’s fiscal year has met the audit requirements of OMB Circular A-133 and that the required audits are completed within nine months of the end of the subrecipient’s audit period. In addition, the Recipient is required to issue a management decision on audit findings within six months after receipt of the subrecipient’s audit report and ensure that the subrecipient takes timely and appropriate corrective action on all audit findings. In cases of a subrecipient’s continued inability or unwillingness to have the required audits, the pass-through entity shall take appropriate action using sanctions.

3. Competition and Codes of Conduct for Subawards.

- a. All subawards will be made in a manner to provide, to the maximum extent practicable, open and free competition. The Recipient must be alert to organizational conflicts of interest as well as other practices among subrecipients that may restrict or eliminate competition. In order to ensure objective subrecipient performance and eliminate unfair competitive advantage, subrecipients that develop or draft work requirements, statements of work, or requests for proposals shall be excluded from competing for such subawards.
- b. The Recipient shall maintain written standards of conduct governing the performance of its employees engaged in the Award and administration of subawards. No employee, officer, or agent shall participate in the selection, award, or administration of a subaward supported by Federal funds if a real or apparent conflict-of-interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family,

his or her partner, or an organization in which he/she serves as an officer or which employs or is about to employ any of the parties mentioned in this section, has a financial interest or other interest in the organization selected or to be selected for a subaward. The officers, employees, and agents of the Recipient shall neither solicit nor accept anything of monetary value from subrecipients. However, the Recipient may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the Recipient.

- c. A financial interest may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward. An appearance of impairment of objectivity could result from an organizational conflict where, because of other activities or relationships with other persons or entities, a person is unable or potentially unable to render impartial assistance or advice. It could also result from non-financial gain to the individual, such as benefit to reputation or prestige in a professional field.

4. Applicability of Provisions to Subawards, Contracts, and Subcontracts.

- a. The Recipient shall include the following notice in each request for applications or bids:

Applicants/bidders for a lower tier covered transaction (except procurement contracts for goods and services under \$25,000 not requiring the consent of a DOC official) are subject to 2 C.F.R. part 1326, subpart C, "Governmentwide Debarment and Suspension (Nonprocurement)." In addition, applicants/bidders for a lower tier covered transaction for a subaward, contract, or subcontract greater than \$100,000 of Federal funds at any tier are subject to 15 C.F.R. part 28, "New Restrictions on Lobbying." Applicants/bidders should familiarize themselves with these provisions, including the certification requirement. Therefore, applications for a lower tier covered transaction must include a Form CD-512, "Certification Regarding Lobbying-Lower Tier Covered Transactions," completed without modification.

- b. The Recipient shall include a term or condition in all lower tier covered transactions (subawards, contracts, and subcontracts), that the Award is subject to subpart C of 2 C.F.R. part 1326, "Governmentwide Debarment and Suspension (Nonprocurement)."
- c. The Recipient shall include a statement in all lower tier covered transactions (subawards, contracts, and subcontracts) exceeding \$100,000 in Federal funds, that the subaward, contract, or subcontract is subject to 31 U.S.C § 1352, as implemented at 15 C.F.R. part 28, regarding new restrictions on lobbying. The Recipient shall further require the subrecipient, contractor, or subcontractor to submit a completed Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying. The Form SF-LLL shall be submitted within 15 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any

disclosure form previously filed. The Form SF-LLL shall be submitted from tier to tier until received by the Recipient. The Recipient must submit all disclosure forms received, including those that report lobbying activity on its own behalf, to the Project Officer within 30 days following the end of the calendar quarter.

5. Small Businesses, Minority Business Enterprises and Women's Business Enterprises.

DOC encourages Recipients to utilize small businesses, minority business enterprises, and women's business enterprises in contracts under financial assistance awards. The Minority Business Development Agency will assist Recipients in matching qualified minority owned enterprises with contract opportunities. For further information visit MBDA's website at <http://www.mbda.gov>. If you do not have access to the Internet, you may contact MBDA via telephone or mail:

U.S. Department of Commerce
Minority Business Development Agency
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

6. Subaward and/or Contract to a Federal Agency.

- a. The Recipient, subrecipient, contractor and/or subcontractor shall not subgrant or subcontract any part of the approved Project to any agency or employee of DOC or other Federal department, agency, or instrumentality without the prior written approval of the Grants Officer.
- b. Requests for approval of such action must be submitted to the Project Officer who shall review and make a recommendation to the Grants Officer. The Grants Officer must forward all requests to the Federal Assistance Law Division in the Office of the Department of Commerce Assistant General Counsel for Finance and Litigation for review prior to making the final determination. The Grants Officer will notify the Recipient in writing of the final determination.

7. EDA Contracting Provisions for Construction Projects.

The Recipient shall use the "*EDA Contracting Provisions for Construction Projects*" as guidance in developing all construction contracts. The "*EDA Contracting Provisions for Construction Projects*" lists applicable EDA and other federal requirements for construction contracts.

L. Property.

1. Standards.

With respect to any property acquired or improved in whole or in part with EDA investment assistance under this Award, the Recipient shall comply with the property management standards found in the uniform administrative requirements set forth in 15 C.F.R. §§ 14.30 – 14.37 and 15

C.F.R. §§ 24.31-24.34, and EDA's regulations at 13 C.F.R. part 314. Property acquired or improved in whole or in part by the Recipient under this Award may consist of personal property, including intangible property such as money, notes, and security interests. Any inventory listings stipulated under the applicable uniform administrative requirements must be submitted to the Grants Officer through the Project Officer on Form CD-281, "*Report of Government Property in Possession of Contractor.*"

2. Retention of Title.

- a. The Government shall determine who retains title to all nonexpendable personal property in accordance with 15 C.F.R. parts 14 or 24, as applicable. Use, management, and the disposition of such property will be in accordance with the requirements set out at 15 C.F.R. parts 14 or 24, as applicable, and EDA's regulations at 13 C.F.R. part 314.
- b. Title to real property (whether acquired partly or wholly with Federal funds) will vest with the Recipient subject to the condition that the Recipient uses the real property for the authorized purpose of the Project.

3. EDA's Interest in Award Property.

- a. *General and Evidence of Title.* As stated in section A.4 of these Construction Standard Terms and Conditions, the Recipient holds all real property and tangible and intangible personal property that it acquires or improves, in whole or in part, with funds made available under the Award in trust for the public purposes for which the Award was made. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains the Federal Interest.

Prior to the advertisement of bids or at such other time as EDA requires, the Recipient must furnish evidence, satisfactory in form or substance to the Government, that title to real property required for the Project (other than property of the United States and as provided in 13 C.F.R. § 314.7(c)) is vested in the Recipient and that such easements, rights-of-way, State or local government permits, long-term leases, or other items required for the Project have been or will be obtained by the Recipient within an acceptable time, as determined by the Government. All liens, mortgages, other encumbrances, reservations, reversionary interests, or other restrictions on title or the Recipient's interest in the property must be disclosed to EDA. With limited exceptions set forth in 13 C.F.R. § 314.6(b) or as otherwise authorized by EDA, Recipient-owned property acquired or improved in whole or in part with EDA investment assistance must not be used to secure a mortgage or deed of trust or in any way otherwise encumbered. See 13 C.F.R. § 314.6.

b. *Recording EDA's Interest in Property.*

- (i) For all Projects involving the acquisition, construction, or improvement of a building, as determined by EDA, the Recipient shall execute and furnish to the Government, prior to initial Award disbursement, a lien, covenant, or other statement, satisfactory to EDA in form and substance, of EDA's interest in the property acquired or improved in whole or in part with the funds made available under this Award. EDA may require such statement after initial Award disbursement in the event that grant funds are being used to acquire such property. The statement must specify the estimated useful life of the Project and shall include but not be limited to the disposition, encumbrance, and the Federal Share compensation requirements. *See* 13 C.F.R. §§ 314.1 and 314.8(a).
 - (ii) This lien, covenant, or other statement of the Government's interest must be perfected and placed of record in the real property records of the jurisdiction in which the property is located, all in accordance with applicable law. EDA shall require an opinion of counsel for the Recipient to substantiate that the document has been properly recorded. *See* 13 C.F.R. § 314.8(b).
 - (iii) Facilities in which the EDA investment is only a small part of a larger project, as determined by EDA, may be exempted from the requirements listed in paragraphs L.3.b.(i) and (ii) above. *See* 13 C.F.R. § 314.8(c).
- c. The Recipient acknowledges that the Government retains an undivided equitable reversionary interest in the Property acquired or improved in whole or in part with grant funds made available through this Award throughout the estimated useful life (as determined by EDA) of the Project, except in applicable instances set forth in 13 C.F.R. § 314.7(c). *See* 13 C.F.R. § 314.2(a).
- d. The Recipient agrees that in the event that any interest in property acquired or improved in whole or in part with EDA investment assistance is disposed of, encumbered or alienated in any manner, or no longer used for the authorized purpose(s) of the Award during the Project's estimated useful life without EDA's written approval, the Government will be entitled to recover the Federal Share, as defined at 13 C.F.R. § 314.5. If, during the Project's estimated useful life, the property is no longer needed for the purpose(s) of the Award, as determined by EDA, EDA may permit its use for other acceptable purposes consistent with those authorized by PWEDA and 13 C.F.R. chapter III. *See* 13 C.F.R. § 314.3(b).
- e. For purposes of any lien or security interest, the amount of the Federal Share shall be the portion of the current fair market value of any property (after deducting any actual and reasonable selling and repair expenses incurred to put the property into marketable condition) attributable to EDA's participation in the Project. *See* 13 C.F.R. § 314.5.

- f. The alienation of Award property includes sale or other conveyance of the Recipient's interest, leasing or mortgaging the property, or granting an option for any of the foregoing.

4. Insurance and Bonding.

- a. *Recipients that are Institutions of Higher Education, Hospitals, Other Non-Profit and Commercial Organizations.* The Recipient shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with federal funds as provided to property owned by the Recipient. Federally owned property need not be insured unless required by the terms and conditions of the award. *See 15 C.F.R. § 14.31.*
- b. *Recipients that are State and Local Governments.* If the Award exceeds the simplified acquisition threshold, EDA may accept the Recipient's or subrecipient's bonding policy and requirements if EDA determines that the Federal Interest is adequately protected. If not, the following minimum requirements shall apply:
 - (i) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the proffered bid, execute such contractual documents as may be required within the time specified;
 - (ii) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract; and
 - (iii) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. *See 15 C.F.R. § 24.36(h)*

5. Leasing Restrictions.

Leasing or renting of facilities or property is prohibited unless specifically authorized by EDA. The Recipient agrees that any leasing or renting of any facilities or property involved in this Project will be subject to the following:

- a. That said lease arrangement is consistent with the authorized general and special purpose of the Award;
- b. That said lease arrangement is for adequate consideration; and

- c. That said lease arrangement is consistent with applicable EDA requirements concerning but not limited to nondiscrimination and environmental compliance.

6. Eminent Domain.

The Recipient will use funds solely for the authorized use of the Project. Pursuant to Executive Order 13406, "*Protecting the Property Rights of the American People*," the Recipient agrees:

- a. Not to use any power of eminent domain available to the Recipient (including the commencement of eminent domain proceedings) for use in connection with the Project for the purpose of advancing the economic interests of private parties; and
- b. Not to accept title to land, easements, or other interests in land acquired by the use of any power of eminent domain for use in connection with the Project for such purposes.

The Recipient agrees that any use of the power of eminent domain to acquire land, easements, or interests in land, whether by the Recipient or any other entity that has the power of eminent domain, in connection with the Project without prior written consent of EDA is an unauthorized use of the Project. If the Recipient puts the Project to an unauthorized use, the Recipient shall compensate EDA for its fair share in accordance with 13 C.F.R. §§ 314.4 and 314.5, as same may be amended from time to time.

7. Disposal of Real Property.

- a. If EDA and the Recipient determine that property acquired or improved in whole or in part with EDA investment assistance is no longer needed for the original purpose(s) of this Award, the Recipient must obtain approval from the Government to use the property in other federal grant programs or in programs that have purposes consistent with those authorized by PWEDA and 13 C.F.R. chapter III. See 13 C.F.R. § 314.3(b).
- b. When property is not disposed of as provided in section L.7.a. above, the Government shall determine final disposition and must be compensated by the Recipient for the Federal Share of the value of the property, plus costs and interest, as provided in 13 C.F.R. § 314.4.

M. Environmental Requirements.

Environmental impacts must be considered by Federal decision-makers in their decisions whether or not to: (i) approve a proposal for federal assistance; (ii) approve the proposal with mitigation; or (iii) approve a different proposal/grant having less adverse environmental impacts. Federal environmental laws require that the funding agency initiate a planning process with early consideration of potential environmental impacts that Project(s) funded with federal assistance may

have on the environment. The Recipient and any subrecipients shall comply with all environmental standards, to include those prescribed under the following statutes and Executive Orders, and shall identify to the awarding agency any impact the Award may have on the environment. In some cases, the Grants Officer can withhold Award funds under a special award condition requiring the Recipient to submit additional environmental compliance information sufficient to enable the Department to make an assessment on any impacts that a Project may have on the environment.

1. The National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.)

The National Environmental Policy Act (“NEPA”) and the Council on Environmental Quality (“CEQ”) implementing regulations (40 C.F.R. parts 1500 – 1508) require that an environmental analysis be completed for all major Federal actions significantly affecting the environment. NEPA applies to the actions of Federal agencies and may include a Federal agency’s decision to fund non-federal projects under grants and cooperative agreements. Recipients of Federal assistance are required to identify to the awarding agency any impact an award will have on the quality of the human environment and assist the agency to comply with NEPA. Recipients may also be requested to assist EDA in drafting an environmental assessment if EDA determines an assessment is required. In the event that any additional information is required during the project period in order to assess any impacts that a Project may have on the environment, funds can be withheld by the Grants Officer under a special award condition requiring the Recipient to submit such additional environmental compliance information sufficient to enable EDA to make the requisite assessment.

2. National Historic Preservation Act (16 U.S.C. § 470 et seq.)

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) and the Advisory Council on Historic Preservation implementing regulations (36 C.F.R. Part 800) require that Federal agencies take into account the effects of their undertakings on historic properties. Recipients of Federal funding are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Recipients may also be requested to assist EDA in consulting with State or Tribal Historic Preservation Officers or other applicable interested parties necessary to identify, assess and resolve adverse effects to historic properties. Until such time as the appropriate NHPA consultations and documentation is complete, funds can be withheld by the Grants Officer under a special award condition requiring the Recipient to fully comply with the requirement of the NHPA. In the event that any additional information is required during the project period in order to assess any impacts that a Project may have on historic properties, funds can be withheld by the Grants Officer under a special award condition requiring the Recipient to submit such additional information sufficient to enable EDA to make the requisite assessment.

3. **Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. §§ 4371 – 4375)**

Federally-supported public works facilities and activities that affect the environment shall be implemented in compliance with policies established under existing law.

4. **Clean Air Act, Clean Water Act, and Executive Order 11738**

Recipients must comply with the provisions of the Clean Air Act (42 U.S.C. § 7401 *et seq.*), the Clean Water Act (42 U.S.C. § 1251 *et seq.*), and Executive Order 11738, and shall not use a facility on the Environmental Protection Agency's ("EPA") *List of Violating Facilities* (this list is incorporated into the Excluded Parties List System located at <https://www.sam.gov/portal/public/SAM/>) in performing any Award that is nonexempt under 2 C.F.R. § 1532, and shall notify the Project Officer in writing if it intends to use a facility that is on EPA's *List of Violating Facilities* or knows that the facility has been recommended to be placed on the List.

5. **The Safe Drinking Water Act of 1974, as amended (42 U.S.C. § 300f *et seq.*)**

This Act precludes Federal assistance for any project that the EPA determines may contaminate a sole source aquifer so as to threaten public health.

6. **Executive Order 11988, "Floodplain Management," (42 Fed. Reg. 26951, May 24, 1977) and Executive Order 11990, "Protection of Wetlands," (42 Fed. Reg. 26961, May 24, 1977)**

Recipients must identify proposed actions in Federally defined floodplains and wetlands to enable the agency to make a determination whether there is an alternative to minimize any potential harm.

7. **The Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4002 *et seq.*), and regulations and guidelines issued thereunder by the U.S. Federal Emergency Management Administration ("FEMA") or by EDA**

Flood insurance, when available, is required for Federally-assisted construction or acquisition in flood-prone areas.

8. **The Coastal Zone Management Act of 1972, as amended (16 U.S.C. § 1451 *et seq.*)**

Funded projects must be consistent with a coastal State's approved management plan for the coastal zone.

9. The Coastal Barrier Resources Act, as amended, (16 U.S.C. § 3501 et seq.)

Restrictions are placed on Federal funding for actions within a Coastal Barrier System.

10. The Wild and Scenic Rivers Act, as amended, (16 U.S.C. § 1271 et seq.)

This Act applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.

11. The Fish and Wildlife Coordination Act, as amended, (16 U.S.C. § 661 et seq.)

Requiring the evaluation the impacts to fish and wildlife from Federally-assisted proposed water resource development projects.

12. The Endangered Species Act of 1973, as amended, (16 U.S.C. § 1531 et seq.)

The Recipient must identify any impact or activities that may involve a threatened or endangered species. Federal agencies have the responsibility to ensure that Federal awards do not adversely affect protected species or habitats and must conduct the required reviews under the Endangered Species Act.

13. The Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund")(42 U.S.C. § 9601 et seq.), and the Community Environmental Response Facilitation Act (41 U.S.C. § 11001 et seq.)

These requirements address responsibilities of hazardous substance releases, threatened releases, and environmental cleanup. There is also a requirement to impose reporting and community involvement requirements to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.

14. The Resource Conservation and Recovery Act of 1976, as amended, (42 U.S.C. § 6901 et seq.)

This Act regulates the generation, transportation, treatment, and disposal of hazardous wastes, and also provides that Recipients of Federal funds give preference in their procurement programs to the purchase of recycled products pursuant to EPA guidelines.

15. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 Fed. Reg. 7629, February 11, 1994)

This Order identifies and addresses adverse human health or environmental effects of Federal programs, policies, and activities on low-income and minority populations.

16. The Lead-Based Paint Poisoning Prevention Act, as amended, (42 U.S.C. § 4821 et seq.)

Use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance is prohibited.

17. The Farmland Protection Policy Act, as amended, (7 U.S.C. §§ 4201 – 4209)

Projects are subject to review under this Act if they may irreversibly directly or indirectly convert farmland, including forest land, pastureland, cropland, or other land, to nonagricultural use.

18. The Noise Control Act of 1972, as amended, (42 U.S.C. § 4901 et seq.)

Federally-supported facilities and activities shall comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements.

19. The Native American Graves Protection and Repatriation Act, as amended, (25 U.S.C. § 3001 et seq.)

This Act provides a process for returning certain Native American cultural items to lineal descendants, culturally affiliated Indian Tribes, and Native Hawaiian organizations.

N. Compliance with Environmental Requirements.

The Recipient agrees to notify the Grants Officer of any environmental requirement or restriction, regulatory or otherwise, with which it must comply. Before Project Closeout and final disbursement of Award funds, the Recipient further agrees to provide evidence satisfactory to the Grants Officer that any required environmental remediation has been completed: (1) in compliance with all applicable federal, State and local regulations; and (2) as set forth in the applicable Lease, Finding of Suitability to Lease ("FOSL"), Lease in Furtherance of Conveyance, Quitclaim Deed, or other conveyance instrument and any amendments, supplements, or succeeding documents. Compliance with said laws or restrictions shall be included in any contract documents for Project construction. The Recipient must certify compliance before final disbursement of grant funds.

O. Miscellaneous Requirements.

1. Criminal and Prohibited Activities.

- a. The Program Fraud Civil Remedies Act (31 U.S.C. §§ 3801-3812) provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal Government for money (including money representing grants, loans, or other benefits).
- b. The False Claims Amendment Act and the False Statements Act (18 U.S.C. §§ 287 and 1001) provide that whoever makes or presents any false, fictitious, or fraudulent statement, representation, or claim against the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 U.S.C. § 287.
- c. The Civil False Claims Act (31 U.S.C. § 3729 *et seq.*) provides that suits under this Act can be brought by the Government, or a person on behalf of the Federal Government, for false claims under federal assistance programs.
- d. The Copeland "Anti-Kickback" Act (18 U.S.C. § 874 and 40 U.S.C. § 276c), prohibits a person or organization engaged in a federally supported Project from enticing an employee working on the Project from giving up a part of his compensation under an employment contract. The Copeland "Anti-Kickback" Act also applies to contractors and subcontractors pursuant to 40 U.S.C. § 3145.

2. Foreign Travel.

- a. The Recipient shall comply with the provisions of the Fly America Act (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131 – 10.143.
- b. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed foreign air travel must use United States flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a United States flag air carrier is unavailable, or use of United States flag air carrier service will not accomplish the agency's mission.
- c. One exception to the requirement to fly U.S. flag carriers is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act pursuant to 49 U.S.C. § 40118(b). The United States Government has entered into bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) that allow Federal funded transportation services for travel and cargo movements to use foreign air carriers under certain

circumstances. There are multiple "Open Skies Agreements" currently in effect. For more information about the current bilateral and multilateral agreements, visit the GSA website <http://www.gsa.gov/portal/content/103191>. Information on the three Open Skies agreements (U.S. Government Procured Transportation) and other specific country agreements may be accessed via the Department of State's website <http://www.state.gov/e/eeb/tra/>.

- d. If a foreign air carrier is anticipated to be used, the Recipient must receive prior approval from the Grants Officer. When requesting such approval in accordance with the guidance provided by 41 C.F.R. § 301-10.142, the Recipient must provide a "certification" the Grants Officer with the following: (i) his or her name; (ii) dates of travel; (iii) the origin and destination of travel; (iv) a detailed itinerary of travel; (v) the name of the air carrier and flight number for each leg of the trip; (vi) and a statement explaining why the Recipient meets one of the exceptions to the applicable regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the Recipient must provide the Grants Officer with a copy of the agreement. The Grants Officer shall make the final determination and notify the Recipient in writing. Failure to adhere to the provisions of the Fly America Act will result in the Recipient not being reimbursed for any transportation costs for which the Recipient improperly used a foreign air carrier.

3. American-Made Equipment and Products.

Recipients are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this Award.

4. Intellectual Property Rights.

- a. **Inventions.** The intellectual property rights to any invention made by a Recipient under a DOC Award are determined by the Bayh-Dole Act, as amended (Pub. L. No. 96-517), and codified in 35 U.S.C. § 200 *et seq.*, except as otherwise required by law. The specific rights and responsibilities are described in more detail in 37 C.F.R. part 401, and in the particular, in the standard patent rights clause in 37 C.F.R. § 401.14, which is hereby incorporated by reference into this Award.

- (i) Ownership.

- (a) *Recipient.* The Recipient has the right to own any invention it makes (conceived or first reduced to practice) or that is made by its employees. A recipient that is a non-profit organization, which includes a university or other institution of higher learning, may not assign to a third party its rights to such an invention without the permission of DOC unless that assignment is to a patent management organization (i.e., a university's Research Foundation). The Recipient's ownership rights are subject to the Federal Government's nonexclusive paid-up license and other rights.

- (b) *Department.* If the recipient elects not to retain title, fails to disclose the invention to the agency within the required time limits, or does not file a patent application within the time limits set forth in the standard patent rights clause, DOC may request an assignment of all rights, which is normally subject to a limited royalty free nonexclusive revocable license for the recipient. DOC owns any invention made solely by its employees, but may license the recipient in accordance with the procedures in 37 C.F.R. Part 404.
- (c) *Inventor/Employee.* If neither the Recipient nor the Department is interested in owning an invention by a Recipient employee, the Recipient, with the written concurrence of the Department's Patent Counsel, may allow the inventor/employee to own the invention subject to certain restrictions as described in 37 C.F.R. § 401.9.
- (d) *Joint Inventions.* Inventions made jointly by a Recipient and a Department employee will be owned jointly by the Recipient and DOC. However, the Department may transfer its rights to the Recipient as authorized by 35 U.S.C. § 202(e) and 37 C.F.R. § 401.10 if the Recipient is willing to patent and license the invention in exchange for a share of "net" royalties based on the number of inventors (e.g., 50-50 if there is one Recipient and Department employee). The agreement will be prepared by the Department's Patent Counsel and may include other provisions, such as a royalty free license to the Federal Government and certain other entities. The provision at 35 U.S.C. § 202(e) also authorizes the Recipient to transfer its rights to the Government, which can agree to share royalties similarly as described above.

(ii) *Responsibilities –iEdison.*

The Recipient has responsibilities and duties set forth in the standard patent rights clause, which are not described below. The Recipient is expected to comply with all the requirements of the standard patent rights clause and 37 C.F.R. part 401. Recipients of DOC Awards are required to submit their disclosures and elections electronically using the Interagency Edison extramural invention reporting system (iEdison) at www.iedison.gov. The Recipient may obtain a waiver of this electronic submission requirement by providing DOC compelling reasons for allowing the submission of paper copies of reports related to inventions.

- b. *Patent Notification Procedures.* Pursuant to Executive Order 12889, the Department is required to notify the owner of any valid patent covering technology whenever the Department or its Recipients, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the

Recipient uses or has used patented technology under this Award without a license or permission from the owner, the Recipient must notify the Grants Officer. However, this notice does not necessarily mean that the Government authorizes and consents to any copyright or patent infringement occurring under the financial assistance.

- c. *Data, Databases, and Software.* The rights to any work produced or purchased under a DOC Award are determined by 15 C.F.R. § 24.34, for State and Local Governments, and 15 C.F.R. § 14.36, for Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations. Such works may include data, databases, or software. The Recipient owns any work produced or purchased under a DOC Award subject to the Department's right to obtain, reproduce, publish, or otherwise use the work or authorize others to receive, reproduce, publish, or otherwise use the data for Government purposes.
- d. *Copyright.* The Recipient may copyright any work produced under a DOC Award subject to the Department's royalty-free, non-exclusive, and irrevocable right to reproduce, publish or otherwise use the work or authorize others to do so for Federal Government purposes. Works jointly authored by the Department and Recipient employees may be copyrighted, but only the part authored by the Recipient is protected because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. On occasion, DOC may require the recipient to transfer to DOC its copyright in a particular work for Government purposes or when DOC is undertaking the primary dissemination of the work. Ownership of copyright by the Government through assignment is permitted by 17 U.S.C. § 105.

5. Increasing Seat Belt Use in the United States.

Pursuant to Executive Order 13043, Recipients should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented, or personally-owned vehicles.

6. Research Involving Human Subjects.

- a. All proposed research involving human subjects must be conducted in accordance with 15 C.F.R. part 27, "*Protection of Human Subjects.*" No research involving human subjects is permitted under this Award unless expressly authorized by special award condition or otherwise authorized in writing by the Grants Officer.
- b. Federal policy defines a human subject as a living individual about whom an investigator conducting research obtains (i) data through intervention or interaction with the individual, or (ii) identifiable private information. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

c. The Department's regulations at 15 C.F.R. part 27 require that Recipients maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in carrying out the purpose(s) of this Award, the Recipient shall submit appropriate documentation to the Project Officer for approval. This documentation may include:

- (i) Documentation establishing approval of the Project by an institutional review board ("IRB") approved for government-wide use under Department of Health and Human Services guidelines (see 15 C.F.R. § 27.103);
- (ii) Documentation to support an exemption for the Project under 15 C.F.R. § 27.101(b);
- (iii) Documentation to support deferral for an exemption or IRB review under 15 C.F.R. § 27.118; or
- (iv) Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form.

d. No work involving human subjects may be undertaken, conducted, or costs incurred or charged for human subjects research until the appropriate documentation is approved in writing by the Grants Officer. Notwithstanding this prohibition, work may be initiated or costs incurred or charged to the Project for protocol or instrument development related to human subjects research.

7. Federal Employee Expenses.

Federal agencies are generally barred from accepting funds from a Recipient to pay transportation, travel, or other expenses for any Federal employee. Use of Award funds (Federal or non-Federal) or the Recipient's provision of in-kind goods or services for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, DOC policy prohibits the acceptance of gifts, including travel payments for Federal employees, from Recipients or applicants regardless of the source.

8. Minority Serving Institutions ("MSIs") Initiative.

Pursuant to Executive Order 13555 ("White House Initiative on Educational Excellence for Hispanics"), 13270 ("Tribal Colleges and Universities"), and 13532 ("Promoting Excellence, Innovation, and Sustainability at Historically Black Colleges and Universities"), DOC is strongly committed to broadening the participation of minority serving institutions (MSIs) in its financial assistance programs. DOC's goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. DOC encourages all applicants and recipients to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website.

9. Research Misconduct.

The Department of Commerce adopts, and applies to financial assistance awards for research, the Federal Policy on Research Misconduct (Federal Policy) issued by the Executive Office of the President's Office of Science and Technology Policy on December 6, 2000 (65 Fed. Reg. 76260 (2000)). As provided for in the Federal Policy, research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest errors or differences of opinion. Recipient organizations that conduct extramural research funded by the Department must foster an atmosphere conducive to the responsible conduct of sponsored research by safeguarding against and resolving allegations of research misconduct. Recipient organizations also have the primary responsibility to prevent, detect, and investigate allegations of research misconduct and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so. Federal award funds expended on an activity that is determined to be invalid or unreliable because of research misconduct may result in appropriate enforcement action under the award, up to and including award termination and possible suspension or debarment. The Department requires that any allegation that contains sufficient information to proceed with an inquiry be submitted to the Grants Officer, who will also notify the OIG of such allegation. Once the recipient organization has investigated the allegation, it will submit its findings to the Grants Officer. The DOC may accept the recipient's findings or proceed with its own investigation. The Grants Officer shall inform the recipient of the Department's final determination.

10. Publications, Videos, and Acknowledgment of Sponsorship.

- a. Publication of results or findings in appropriate professional journals and production of video or other media is encouraged as an important method of recording and reporting results of federally funded projects, e.g. scientific research, and expanding access to federally funded projects.
- b. Recipients must submit a copy of any publication materials, including but not limited to print, recorded or Internet materials, to their EDA Project Officer.
- c. When releasing information related to a funded project, recipients must include a statement that the project or effort undertaken was or is sponsored by DOC.
- d. Recipients are responsible for assuring that every publication of material based on, developed under, or produced under a DOC financial assistance award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer:

This [report/video] was prepared by [recipient name] under award [number] from [name of operating unit], U.S. Department of Commerce. The statements, findings,

conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the [name of operating unit] or the U.S. Department of Commerce.

11. Care and Use of Live Vertebrate Animals.

Recipients must comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. No. 89-544), as amended (7 U.S.C. § 2131 *et seq.*) (animal acquisition, transport, care, handling, and use in projects), and the implementing regulations at 9 C.F.R. parts 1, 2, and 3; the Endangered Species Act (16 U.S.C. § 1531 *et seq.*); the Marine Mammal Protection Act (16 U.S.C. § 1361 *et seq.*) (taking possession, transport, purchase, sale, export or import of wildlife and plants); the Non-indigenous Aquatic Nuisance Prevention and Control Act (16 U.S.C. § 4701 *et seq.*) (ensure preventive measures are taken or that probable harm of using species is minimal if there is an escape or release); and all other applicable statutes pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by federal financial assistance. No research involving vertebrate animals is permitted under any DOC Award unless authorized by the Grants Officer.

12. Homeland Security Presidential Directive 12.

If the performance of a grant award requires Recipient organization personnel to have routine access to Federally-controlled facilities and/or federally controlled information systems (for purpose of this term "routine access" is defined as more than 180 business days), such personnel must undergo the personal identity verification credential process. In the case of foreign nationals, the DOC will conduct a check with U.S. Citizenship and Immigration Services' (USCIS) Verification Division, a component of the Department of Homeland Security (DHS), to ensure the individual is in a lawful immigration status and that they are eligible for employment within the US. Any items or services delivered under a financial assistance award shall comply with DOC personal identity verification procedures that implement Homeland Security Presidential Directive 12, "Policy for a Common Identification Standard for Federal Employees and Contractors", FIPS PUB 201, and OMB Memorandum M-05-24. The Recipient shall ensure that its subrecipients and contractors (at all tiers) performing work under this award comply with the requirements contained in this term. The Grants Officer may delay final payment under an award if the subrecipient or contractor fails to comply with the requirements listed in the term below. The Recipient shall insert the following term in all subawards and contracts when the subaward recipient or contractor is required to have routine physical access to a Federally-controlled facility or routine access to a federally controlled information system:

- a. The subrecipient or contractor shall comply with DOC personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication (FIPS PUB) Number 201, as amended, for all employees under this subaward or contract who require*

routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system.

- b. *The subrecipient or contractor shall account for all forms of Government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor shall return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by DOC: (1) When no longer needed for subaward or contract performance; (2) Upon completion of the subrecipient or contractor employee's employment; (3) Upon subaward or contract completion or termination.*

13. Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations.

- a. This clause applies to the extent that this Award involves access to export-controlled items.
- b. In performing this Award, the Recipient may gain access to export-controlled information or technology. The Recipient is responsible for compliance with all applicable laws and regulations regarding export-controlled information and technology, including deemed exports. The Recipient shall establish and maintain throughout performance of this Award effective export compliance procedures at non-DOC facilities. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled information and technology.
- c. *Definitions.*
- (i) *Export-controlled items.* Items (commodities, software, or technology), that are subject to the Export Administration Regulations (EAR) (15 C.F.R. §§ 730-774), implemented by the DOC's Bureau of Industry and Security. These are generally known as "dual-use" items, items with a military and commercial application.
- (ii) *Deemed Export/Reexport.* The EAR defines a deemed export as a release of export-controlled items (specifically, technology or source code) to a foreign national in the U.S. Such release is "deemed" to be an export to the home country of the foreign national. 15 C.F.R. § 734.2(b)(2)(ii). A release may take the form of visual inspection, oral exchange of information, or the application abroad of knowledge or technical experience acquired in the U.S. If such a release occurs abroad, it is considered a deemed reexport to the foreign national's home country. Licenses from DOC may be required for deemed exports or reexports.
- d. The Recipient shall control access to all export-controlled information and technology that it possesses or that comes into its possession in performance of this Award, to ensure that access is restricted, or licensed, as required by applicable Federal laws, Executive Orders, or regulations, including the EAR.

- e. As applicable, Recipient personnel and associates at DOC sites will be informed of any procedures to identify and protect export-controlled items.
- f. Nothing in the Terms and Conditions of this Award is intended to change, supersede or waive the requirements of applicable Federal laws, Executive Orders, or regulations.
- g. The Recipient shall include this subsection entitled “Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations,” including this subparagraph (f), in all lower-tier transactions (sub-awards, contracts, and subcontracts) under this Award that may involve access to export-controlled information technology.

14. The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended, and the implementing regulations at 2 C.F.R. part 175

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal Government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. The Department hereby incorporates the following award term required by 2 C.F.R. § 175.15(b).

See <http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf>.

Award Term from 2 C.F.R. § 175.15(b): Trafficking in persons.

- a. Provisions applicable to a Recipient that is a private entity.
 - (i) You as the Recipient, your employees, subrecipients under this award, and subrecipients’ employees may not—
 - a) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - b) Procure a commercial sex act during the period of time that the award is in effect; or
 - c) Use forced labor in the performance of the award or subawards under the award.
 - (ii) EDA, as the Federal awarding agency, may unilaterally terminate this award, without penalty, if the Recipient or a subrecipient that is a private entity —
 - a) Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - b) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either— (A) Associated with

performance under this award; or (B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOC at 2 C.F.R. part 1326, "Nonprocurement Debarment and Suspension."

- b. Provision applicable to a recipient other than a private entity. EDA as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—
 - (i) Is determined to have violated an applicable prohibition in Section 14 paragraph a.1 of this award term; or
 - (ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - a) Associated with performance under this Award; or
 - b) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOC at 2 C.F.R. part 1326, "Nonprocurement Debarment and Suspension."
- c. Provisions applicable to any Recipient.
 - (i) You must inform EDA immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
 - (ii) EDA's right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - a) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - b) Is in addition to all other remedies for noncompliance that are available to us under this award.
 - (iii) You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
- d. Definitions. For purposes of this award term:
 - (i) Employee means either:

- a) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - b) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
- (ii) Forced labor means: labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- (iii) Private entity:
- a) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25;
 - b) Includes: (A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b); and (B) A for-profit organization.
- (iv) "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

15. The Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282, 31 USCA § 6101 Note)

- a. Searchable Website Requirements. The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires information on Federal awards (Federal financial assistance and expenditures) be made available to the public via a single, searchable website. This information is available at www.USASpending.gov. Recipients and subrecipients must include the following required data elements in their application:
 - (i) Name of entity receiving award;
 - (ii) Award amount;
 - (iii) Transaction type, funding agency, Catalog of Federal Domestic Assistance Number, and descriptive award title;
 - (iv) Location of entity, primary location of performance (City/State/Congressional District/Country; and
 - (v) Unique identifier of entity.
- b. Subaward and Executive Compensation Data Reporting Requirements. Prime grant recipients awarded a new Federal grant greater than or equal to \$25,000 on or after October 1, 2010, other than those funded by the Recovery Act, are subject to FFATA subaward reporting requirements as outlined in the OMB guidance issued August 27, 2010. The prime recipient

is required to file a FFATA subaward report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to \$25,000. See Pub. L. No. 109-282, as amended by section 6202(a) of Pub. L. No. 110-252 (see 31 U.S.C. 6101 note). The reporting requirements are located in Appendix A of 2 C.F.R. Part 170 and are available on GPO's FDsys website: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title2-vol1/pdf/CFR-2011-title2-vol1-part170-appA.pdf>.

c. Central Contractor Registration and Universal Identifier requirements.

(i) Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 C.F.R. 25.110, you as the Recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

(ii) Requirement for Data Universal Numbering System (DUNS) Numbers. If you are authorized to make subawards under this award, you:

- a) Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
- b) May not make a subaward to an entity unless the entity has provided its DUNS number to you.

(iii) Definitions for purposes of this award term:

- a) Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management Internet site (currently at <https://www.sam.gov/portal/public/SAM/>).
- b) Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866--705--5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
- c) Entity, as it is used in this award term, means all of the following, as defined at 2 C.F.R. part 25, subpart C:
 - (1) A Governmental organization, which is a State, local government, or Indian Tribe;
 - (2) A foreign public entity;

- (3) A domestic or foreign nonprofit organization;
- (4) A domestic or foreign for-profit organization; and
- (5) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

d) Subaward:

- (1) This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- (2) The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. 210 of the attachment to OMB Circular A-133, "*Audits of States, Local Governments, and Non-Profit Organizations*").
- (3) A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

e) Subrecipient means an entity that:

- (1) Receives a subaward from you under this award; and
- (2) Is accountable to you for the use of the Federal funds provided by the subaward.

16. Federal Financial Assistance Planning During a Funding Hiatus or Government Shutdown

This term sets forth initial guidance that will be implemented for Federal assistance awards in the event of a lapse in appropriations, or a government shutdown. The Grants Officer may issue further guidance prior to an anticipated shutdown.

- a. Unless there is an actual rescission of funds for specific grant obligations, recipients of Federal financial assistance awards for which funds have been obligated generally will be able to continue to perform and incur allowable expenses under the award during a funding hiatus. Recipients are advised that ongoing activities by Federal employees involved in grant administration (including payment processing) or similar operational and administrative work cannot continue when there is a funding lapse. Therefore, there may be delays, including payment processing delays, in the event of a shutdown.
- d. All award actions will be delayed during a government shutdown; if it appears that a recipient's performance under a grant or cooperative agreement will require agency involvement, direction, or clearance during the period of a possible government shutdown, the Program Officer or Grants Officer, as appropriate, may attempt to provide such involvement, direction, or clearance prior to the shutdown or advise recipients that such involvement, direction, or clearance will not be forthcoming during the shutdown. Accordingly, recipients whose ability to withdraw funds is subject to prior agency approval, which in general are

recipients that have been designated high risk, recipients of construction awards, or are otherwise limited to reimbursements or subject to agency review, will be able draw funds down from the relevant Automatic Standard Application for Payment (ASAP) account only if agency approval is given and coded into ASAP prior to any government shutdown or closure. This limitation may not be lifted during a government shutdown. Recipients should plan to work with the Grants Officer to request prior approvals in advance of a shutdown wherever possible. Recipients whose authority to draw down award funds is restricted may decide to suspend work until the government reopens.

- c. The ASAP system should remain operational during a government shutdown. Recipients that do not require any grant office or agency approval to draw down advance funds from their ASAP accounts should be able to do so during a shutdown. The 30-day limitation on the drawdown of advance funds will still apply notwithstanding a government shutdown and advanced funds held for more than 30 days will have to be returned with interest.

APPENDIX

THE FOLLOWING REFERENCE MATERIALS AND FORMS ARE AVAILABLE ONLINE:

1. 2 C.F.R. part 220 (codifying OMB Circular A-21, “*Cost Principles for Educational Institutions*”)
2. 2 C.F.R. part 225 (codifying OMB Circular A-87, “*Cost Principles for State, Local and Indian Tribal Governments*”)
3. 2 C.F.R. part 230 (codifying OMB Circular A-122, “*Cost Principles for Nonprofit Organizations*”)
4. 2 C.F.R. part 1326, “*Non-Procurement Debarment and Suspension*”
5. 13 C.F.R. chapter III (EDA’s regulations)
6. 15 C.F.R. part 14, “*Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit and Commercial Organizations*” (codifying OMB Circular A-110)
7. 15 C.F.R. part 24, “*Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*”
8. 15 C.F.R. part 4, “*Disclosure of Government Information*”
9. 15 C.F.R. part 27, “*Protection of Human Subjects*”
10. 15 C.F.R. part 28, “*New Restrictions on Lobbying*”
11. 15 C.F.R. part 29, “*Government-wide Requirements for Drug-Free Workplace (Financial Assistance)*”
12. 48 C.F.R. part 31, “*Contract Cost Principles and Procedures*”
13. OMB Circular A-102, “*Grants and Cooperative Agreements with State and Local Governments*”
14. OMB Circular A-133, “*Audits of States, Local Governments and Nonprofit Organizations,*” and the related *Compliance Supplement*

To access EDA’s regulations, visit EDA’s Internet website at http://www.eda.gov/pdf/EDAs_regs-13_CFR_Chapter_III.pdf.

To access the Code of Federal Regulations (C.F.R.), visit the Government Printing Office’s Internet website at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>.

To access the OMB Circulars, visit OMB's Internet website at www.whitehouse.gov/omb/circulars/index.html.

To access the Davis Bacon wage rate determinations, visit the Department of Labor's Internet website at www.wdol.gov/.

EDA FORMS:

1. Form CD-281, "Report of Government Property in Possession of Contractor"
2. Form CD-451, "Amendment to Financial Assistance Award"
3. Form CD-346, "Identification - Applicant for Funding Assistance"
4. Form SF-425, "Federal Financial Report"
5. Form SF-271, "Outlay Report and Request for Reimbursement for Construction Programs"
6. Form SF-272, "Federal Cash Transaction Report"
7. Form SF-LLL, "Disclosure of Lobbying Activities"

To access Department of Commerce forms ("CD"), visit the Department's Internet website at http://ocio.os.doc.gov/ITPolicyandPrograms/Electronic_Forms/index.htm.

To access the Standard Forms ("SF"), visit the General Services Administration's Internet website at www.gsa.gov/Portal/gsa/ep/formslibrary.do?formType=SF.

DEPARTMENT OF COMMERCE
FINANCIAL ASSISTANCE
STANDARD TERMS AND CONDITIONS



December 26, 2014

DEPARTMENT OF COMMERCE
FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS

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PREFACE

This document sets out the standard terms and conditions generally applicable to U.S. Department of Commerce (“DOC” or “Commerce”) financial assistance awards (hereinafter referred to as the “DOC ST&Cs” or “Standard Terms”). A non-Federal entity,¹ receiving a DOC financial assistance award must, in addition to the assurances made as part of the application, comply and require each of its contractors and subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders (E.O.s), Office of Management and Budget (OMB) circulars, provisions of the OMB *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (codified at 2 C.F.R. Part 200) (OMB Uniform Guidance), provisions of these Standard Terms, any other incorporated terms and conditions, and approved applications.²

This award is subject to the laws and regulations of the United States. Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: public laws, regulations, applicable notices published in the *Federal Register*, E.O.s, OMB circulars, DOC ST&Cs, agency standard award conditions (if any), and special award conditions. A special award condition may amend or take precedence over a Standard Term on a case-by-case basis, when allowed by the DOC ST&Cs.

Some of the Standard Terms herein contain, by reference or substance, a summary of the pertinent statutes, regulations published in the *Federal Register* or Code of Federal Regulations (C.F.R.), E.O.s, OMB circulars, or the certifications and assurances provided by applicants through Standard Forms (e.g., SF-424, SF-424B, or SF-424D) or through DOC forms (e.g., Form CD-511). To the extent that it is a summary, such Standard Term provision is not in derogation of, or an amendment to, any such statute, regulation, E.O., OMB circular, certification, or assurance.

¹ Please note that the OMB Uniform Guidance uses the term “non-Federal entity” to generally refer to an entity that carries out a Federal award as a recipient or subrecipient. Because some of the provisions of these DOC ST&Cs apply to recipients rather than subrecipients, or vice versa, for clarity, these DOC ST&Cs use the terms “non-Federal entity”, “recipient”, and “subrecipient”. In addition, the OMB Uniform Guidance uses the term “pass-through entity” to refer to a non-Federal entity that makes a subaward.

“Non-Federal entity” is defined at 2 C.F.R. § 200.69 as “a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.”

“Recipient” is defined at 2 C.F.R. § 200.86 as “a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients.”

“Subrecipient” is defined at 2 C.F.R. § 200.93 as “a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.”

“Pass-through entity” is defined as 2 C.F.R. § 200.74 as “a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.”

² As set forth in 2 C.F.R. § 200.101(c), Federal agencies may apply 2 C.F.R. Part 200, subparts A through E, to for-profit entities, foreign public entities, or foreign organizations, except where the Federal awarding agency determines that the application of these subparts would be inconsistent with the international obligations of the United States or the statute or regulations of a foreign government.

A. PROGRAMMATIC REQUIREMENTS

.01 Performance (Technical) Reports

- a. Recipients must use OMB-approved governmentwide standard information collections when providing financial and performance information and, as appropriate and in accordance with the above-mentioned information collections, are required to relate financial data to the performance accomplishments of the Federal award. When applicable, recipients must also provide cost information to demonstrate cost effective practices (e.g., through unit cost data). The recipient's performance will be measured in a way that will help the Federal awarding agency and other non-Federal entities to improve program outcomes, share lessons learned, and spread the adoption of promising practices. As described in 2 C.F.R. § 200.210 "Information contained in a Federal award," the Federal awarding agency will identify the timing and scope of expected performance by the award recipient as related to the outcomes intended to be achieved by the Federal program.
- b. Recipients must submit performance (technical) reports, which may be Form SF-PPR "Performance Progress Report" or any successor form, or another format as required by the Federal awarding agency, electronically or in hard copy (no more than an original and two copies), in accordance with the award conditions, to the Federal Program Officer. Performance reports should be submitted in the same frequency as the Form SF-425 "Federal Financial Report", unless otherwise authorized by the Grants Officer.
- c. Performance (technical) reports shall contain the information prescribed in the OMB Uniform Guidance, specifically 2 C.F.R. § 200.328 ("Monitoring and reporting program performance"), unless otherwise specified in the award conditions.

.02 Reporting on Real Property

The Federal awarding agency or pass-through entity (as defined at 2 C.F.R. § 200.74) must require a non-Federal entity to submit reports (using Form SF-429 "Real Property Status Report" or any successor form) at least annually on the status of real property in which the Federal government retains an interest, unless the Federal interest in the real property extends 15 years or longer. In those instances where the Federal interest attached is for a period of 15 years or more, the Federal awarding agency or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or a Federal awarding agency or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years).

.03 Unsatisfactory Performance

Failure to perform the work in accordance with the terms of the award and maintain satisfactory performance as determined by the Federal awarding agency may result in the imposition of additional award conditions pursuant to 2 C.F.R. § 200.207 ("Specific conditions") or other

appropriate enforcement action as specified in 2 C.F.R. § 200.338 (“Remedies for noncompliance”). *See also* DOC ST&C A.06 “Non-Compliance with Award Provisions.”

.04 Programmatic Changes

In accordance with 2 C.F.R. § 200.308 (“Revisions of budget and program plans”), the recipient shall report programmatic changes, including all changes to the scope of the award, to the Program Officer, who forwards the request to the Grants Officer. In addition, the recipient shall request prior approvals in accordance with 2 C.F.R. § 200.407 (“Prior written approval (prior approval)”).

.05 Other Federal Awards with Similar Programmatic Activities

The non-Federal entity shall immediately provide written notification to the Federal Program Officer and the Grants Officer in the event that, subsequent to receipt of the DOC award, other financial assistance is received to support or fund any portion of the scope of work incorporated into the DOC award. DOC will not pay for costs that are funded by other sources.

.06 Non-Compliance with Award Provisions

Failure to comply with the provisions of an award may be considered grounds for appropriate enforcement action pursuant to 2 C.F.R. § 200.338 (“Remedies for noncompliance”), including but not limited to: the imposition of additional award conditions in accordance with 2 C.F.R. § 200.207 (“Specific conditions”); temporarily withholding award payments pending the correction of the deficiency; the disallowance of award costs and the establishment of an accounts receivable; wholly or partially suspending or terminating an award; initiating suspension or debarment proceedings in accordance with 2 C.F.R. parts 180 and 1326; and such other remedies as may be legally available. *See also* 2 C.F.R. §§ 200.339 (“Termination”) through 200.342 (“Effects of suspension and termination”). In addition, the failure to comply with the provisions of a DOC award may adversely impact the availability of funding under other active DOC or Federal awards and may also have a negative impact on a recipient’s eligibility for future DOC or Federal awards.

.07 Prohibition against Assignment by the Non-Federal Entity

The non-Federal entity shall not transfer, pledge, mortgage, or otherwise assign the award, or any interest therein, or any claim arising thereunder, to any party or parties, banks, trust companies, or other financing or financial institutions without the express written approval of the Grants Officer.

.08 Disclaimer Provisions

- a. The United States expressly disclaims any and all responsibility or liability to the non-Federal entity or third persons for the actions of the non-Federal entity or third persons

resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any subaward, contract, or subcontract under this award.

- b. The acceptance of this award or any subaward by the non-Federal entity does not in any way constitute an agency relationship between the United States and the non-Federal entity.

B. FINANCIAL REQUIREMENTS

.01 Financial Management

- a. In accordance with 2 C.F.R. § 200.302(a) (“Financial Management”), each State must expend and account for the Federal award in accordance with State laws and procedures for expending and accounting for the State’s own funds. In addition, the State’s and any other non-Federal entity’s financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used in accordance with Federal statutes, regulations, and the terms and conditions applicable to the Federal award. *See also* 2 C.F.R. § 200.450 (“Lobbying”) for additional management requirements to verify that Federal funds are not used for unallowable lobbying costs.
- b. The financial management system of each non-Federal entity must provide all information required by 2 C.F.R. § 200.302(b). *See also* 2 C.F.R. §§200.333 (“Retention requirements for records”); 200.334 (“Requests for transfer of records”); 200.335 (“Methods for collection, transmission and storage of information”); 200.336 (“Access to records”); and 200.337 (“Restrictions on public access to records”).

.02 Financial Reports

- a. In accordance with 2 C.F.R. § 200.327 (“Financial reporting”), the recipient shall submit a “Federal Financial Report” (Form SF-425 or any successor form) on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, unless otherwise specified in a special award condition. Reports are due no later than 30 days following the end of each reporting period. A final Form SF-425 shall be submitted within 90 days after the expiration of the period of performance.
- b. The reports must be submitted to the Federal awarding agency as directed by the Grants Officer electronically, or in hard copy (no more than an original and two copies), in accordance with the award conditions.

.03 Award Payments

- a. Consistent with 2 C.F.R. § 200.305(a) (“Payment”), for States, payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements and default procedures codified at 31 C.F.R. Part 205 “Rules and Procedures for Efficient Federal-State Funds Transfers” and Treasury Financial Manual Volume I, 4A-2000 “Overall Disbursing Rules for All Federal Agencies”.
- b. Consistent with 2 C.F.R. § 200.305(b), for non-Federal entities other than States, payment methods must minimize the amount of time elapsing between the transfer of funds from the U.S. Treasury or the pass-through entity and the disbursement by the non-Federal entity.
 1. The Grants Officer determines the appropriate method of payment and, unless otherwise specified in a special award condition, the advance method of payment shall be authorized. Advances shall be limited to the minimum amounts necessary to meet immediate disbursement needs. DOC policy requires that in the usual case, non-Federal entities time advance payment requests so that Federal funds are on hand for a maximum of three calendar days before being disbursed by the non-Federal entity for eligible award costs. In no case should advances exceed the amount of cash required for a 30-day period. Interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services, Payment Management System, Rockville, MD 20852. Interest amounts up to \$500 per year may be retained by the non-Federal entity for administrative expenses.
 2. If a non-Federal entity demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity or if a non-Federal entity otherwise fails to continue to qualify for the advance method of payment, the Grants Officer may change the method of payment to reimbursement only.
- c. Unless otherwise provided for in the award terms, payments under this award will be made using the Department of Treasury’s Automated Standard Application for Payment (ASAP) system. Under the ASAP system, payments are made through preauthorized electronic funds transfers directly to the non-Federal entity’s bank account, in accordance with the requirements of the Debt Collection Improvement Act of 1996. In order to receive payments under ASAP, non-Federal entities are required to enroll with the Department of Treasury, Financial Management Service, Regional Financial Centers, which allows them to use the on-line and Voice Response System (VRS) method of withdrawing funds from their ASAP established accounts. The following information will be required to make withdrawals under ASAP:
 1. ASAP account number – the Federal award identification number found on the cover sheet of the award;
 2. Agency Location Code (ALC); and

3. Region Code.

Non-Federal entities enrolled in the ASAP system do not need to submit a Form SF-270 “Request for Advance or Reimbursement”, for payments relating to their award. Awards paid under the ASAP system will contain a special award condition, clause, or provision describing enrollment requirements and any controls or withdrawal limits set in the ASAP system.

When the Form SF-270 “Request for Advance or Reimbursement” (or successor form) is used to request payment, the non-Federal entity shall submit the request no more frequently than monthly, and advances shall be approved for periods to cover only expenses anticipated over the next 30 days. In these cases, the non-Federal entity must complete the Form SF-3881 “ACH Vendor Miscellaneous Payment Enrollment Form” (or successor form) and Form SF-270 and submit these forms to the Grants Officer. Form SF-3881 enrollment must be completed before the first award payment can be made via a Form SF-270 request.

- d. The Federal award identification number must be included on all payment-related correspondence, information, and forms.

.04 Federal and Non-Federal Sharing

- a. Awards that include Federal and non-Federal sharing incorporate a budget consisting of shared allowable costs. If actual allowable costs are less than the total approved budget, the Federal and non-Federal cost shares shall be calculated by applying the approved Federal and non-Federal cost share ratios to actual allowable costs. If actual allowable costs exceed the total approved budget, the Federal share shall not exceed the total Federal dollar amount authorized by the award.
- b. The non-Federal share, whether in cash or in-kind, is to be paid out at the same general rate as the Federal share. Exceptions to this requirement may be granted by the Grants Officer based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or in-kind contributions. In any case, the non-Federal entity must meet its cost share commitment over the life of the award; failure to do so may result in the assignment of special award conditions or other further action as specified in Standard Term A.06 “Non-Compliance with Award Provisions”. In addition, under 2 C.F.R. § 200.306(c) “(Cost sharing or matching)”, unrecovered indirect costs, including indirect costs on cost sharing or matching, may be included as part of cost sharing or matching only with the written prior approval of the Federal awarding agency. The non-Federal entity must create and maintain sufficient records justifying all non-federal sharing requirements to facilitate questions and audits, see Section F of these Standard Terms, “Audits,” for audit requirements. *See* 2 C.F.R. § 200.306 for additional requirements regarding cost sharing.
- c. Under Federal research proposals, voluntary committed cost sharing is not expected. It cannot be used as a factor during the merit review of applications or proposals, but may be considered if it is both in accordance with Federal awarding agency regulations and specified

in a notice of funding opportunity. Criteria for considering voluntary committed cost sharing and any other program policy factors that may be used to determine who may receive a Federal award must be explicitly described in the notice of funding opportunity. Furthermore, only mandatory cost sharing or cost sharing specifically committed in the project budget must be included in the organized research base for computing the indirect (F&A) cost rate or reflected in any allocation of indirect costs. *See also* 2 C.F.R. §§ 200.414 (“Indirect (F&A) costs”), 200.203 (“Notices of funding opportunities”), and Appendix I to 2 C.F.R. Part 200—Full Text of Notice of Funding Opportunity.

.05 Budget Changes and Transfer of Funds among Categories

- a. Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from Federal awarding agencies for budget and program plan revisions, in accordance with 2 C.F.R. § 200.308 (“Revision of budget and program plans”). Requests for such budget or project changes must be submitted to the Grants Officer who shall make the final determination on such requests and notify the non-Federal entity in writing.
- b. In accordance with 2 C.F.R. § 200.308(e), transfers of funds by the recipient among direct cost categories are permitted for awards in which the Federal share of the project is \$150,000 or less. For awards in which the Federal share of the project exceeds \$150,000, transfers of funds among direct cost categories must be approved in writing by the Grants Officer when the cumulative amount of such direct costs transfers exceeds 10 percent of the total budget as last approved by the Grants Officer. The 10 percent threshold applies to the total Federal and non-Federal funds authorized by the Grants Officer at the time of the transfer request. This is the accumulated amount of Federal funding obligated to date by the Grants Officer along with any non-Federal share. The same requirements apply to the cumulative amount of transfer of funds among programs, functions, and activities. This transfer authority does not authorize the recipient to create new budget categories within an approved budget without Grants Officer approval. Any transfer that causes any Federal appropriation, or part thereof, to be used for an unauthorized purpose will not be permitted. In addition, this provision does not prohibit the recipient from requesting Grants Officer approval for revisions to the budget. *See* 2 C.F.R. § 200.308 (as applicable) for specific requirements concerning budget revisions and transfer of funds between budget categories.

.06 Indirect or Facilities and Administrative Costs

- a. Indirect costs (or facilities and administration (F&A)) costs for major institutions of higher education and major nonprofit organizations) can generally be defined as costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Indirect (F&A) costs will not be allowable charges against an award unless permitted under the award and specifically included as a line item in the award’s approved budget. *See* the definition of indirect (F&A) costs at 2 C.F.R. § 200.56 (“Indirect (facilities & administrative (F&A)) costs”).

- b. Excess indirect costs may not be used to offset unallowable direct costs.
- c. Cognizant Agency for Indirect (F&A) Costs.

OMB established the cognizant agency concept, under which a single agency represents all others in dealing with non-Federal entities in common areas. The cognizant agency for indirect costs reviews and approves non-Federal entities' indirect cost rates.

1. Determining the Cognizant Agency for Non-Federal Entities that are State, local, and Indian Tribal Governments; Institutions of Higher Education; Hospitals; and Non-Profit Organizations (Non-Commercial Organizations). In accordance with 2 C.F.R. § 200.19 (“Cognizant agency for indirect costs”), the cognizant agency for indirect costs is the Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals on behalf of all Federal agencies. Approved rates must be accepted by other agencies, unless required by Federal statute or regulation or when approved by a Federal agency awarding head or delegate in accordance with 2 C.F.R. § 200.414(c) (“Indirect (F&A) costs”).

If indirect costs are permitted and the non-Federal entity would like to include indirect costs in its budget, but the non-Federal entity has not previously established an indirect cost rate with a Federal agency, the requirements for determining the relevant cognizant agency and developing and submitting indirect (F&A) cost rate proposals and cost allocation plans are contained in Appendices III – VII to 2 C.F.R. Part 200 as follows:

- i. Appendix III to 2 C.F.R. Part 200 – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs);
 - ii. Appendix IV to 2 C.F.R. Part 200 – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations;
 - iii. Appendix V to 2 C.F.R. Part 200 – State/Local Government and Indian Tribe-Wide Central Service Cost Allocation Plans;
 - iv. Appendix VI to 2 C.F.R. Part 200 – Public Assistance Cost Allocation Plans;
 - v. Appendix VII to 2 C.F.R. Part 200 – States and Local Government and Indian Tribe Indirect Cost Proposals.
2. Commercial Organizations. For commercial organizations, the term “cognizant Federal agency” generally is defined as the agency that provides the largest dollar amount of negotiated contracts, including options. *See* 48 C.F.R. § 42.003. If the only Federal funds received by a commercial organization are DOC award funds, then DOC becomes the cognizant Federal agency for the purpose of indirect cost negotiations. For those organizations for which DOC is cognizant, DOC or its designee will negotiate a rate in accordance with the provisions of 2 C.F.R. § 200.414 using the cost principles found in 48 C.F.R. Part 31, “Contract Cost Principles and Procedures.” For guidance on how to put an indirect cost plan together go to:

<http://www.dol.gov/oasam/programs/boc/costdeterminationguide/main.htm>

3. General Review Procedures Where DOC is the Cognizant Agency.

- i. Within 90 days of the award start date the non-Federal entity shall submit to the Grants Officer of the relevant funding bureau any documentation (indirect cost proposal, cost allocation plan, etc.) necessary to allow the agency to perform the indirect cost rate proposal review.
 - ii. The non-Federal entity can use the fixed rate proposed in the indirect cost plan as a provisional rate until such time as the DOC provides a response to the submitted plan.
4. When DOC is not the oversight or cognizant Federal agency, the non-Federal entity shall provide the Grants Officer with a copy of a negotiated rate agreement or a copy of the transmittal letter submitted to the cognizant or oversight Federal agency requesting a negotiated rate agreement.
- d. If the non-Federal entity fails to submit required documentation to DOC within 90 days of the award start date, the Grants Officer may amend the award to preclude the recovery of any indirect costs under the award. If the DOC, oversight, or cognizant Federal agency determines there is a finding of good and sufficient cause to excuse the non-Federal entity's delay in submitting the documentation, an extension of the 90-day due date may be approved by the Grants Officer.
 - e. The maximum dollar amount of allocable indirect costs for which DOC will reimburse the recipient shall be the lesser of:
 1. The line item amount for the Federal share of indirect costs contained in the approved award budget, including all budget revisions approved in writing by the Grants Officer; or
 2. The Federal share of the total indirect costs allocable to the award based on the indirect cost rate approved by the cognizant agency for indirect costs and applicable to the period in which the cost was incurred, provided that the rate is approved on or before the award end date.
 - f. In accordance with 2 C.F.R. § 200.414(g), any non-Federal entity that has a negotiated indirect cost rate may apply to the entity's cognizant agency for indirect costs for a one-time extension of a currently negotiated indirect cost rate for a period of up to four years, reducing the frequency of rate calculations and negotiations between an institution and its cognizant agency.
 - g. In addition, in accordance with 2 C.F.R. § 200.414(f), any non-Federal entity that has never received a negotiated indirect cost rate, except for those non-Federal entities described in Paragraph D.1.b of Appendix VII to 2 C.F.R. Part 200 (specifically, a governmental department or agency that receives more than \$35 million in direct Federal funding), may elect to charge a de minimis rate of 10 percent of modified total direct costs.

.07 Incurring Costs or Obligating Federal Funds Before and After the Period of Performance

- a. In accordance with 2 C.F.R. § 200.309 (“Period of performance”), a non-Federal entity may charge to the Federal award only allowable costs incurred during the period of performance, which is the period established in the award document during which Federal sponsorship begins and ends and, as defined at 2 C.F.R. § 200.77, is “the time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award”. The period of performance may sometimes be referred to as the “project period” or “award period”.
- b. In accordance with 2 C.F.R. § 200.458 (“Pre-award costs”), pre-award costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency.
- c. The non-Federal entity shall not incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities beyond the period of performance. The only costs that are authorized for a period of up to 90 days following the end of the period of performance are those strictly associated with close-out activities. Close-out activities are normally limited to the preparation of final progress, financial, and required project audit reports unless otherwise approved in writing by the Grants Officer. The Federal awarding agency or pass-through entity may approve extensions of the 90-day closeout period upon a request by the non-Federal entity as provided in 2 C.F.R. § 200.343 (“Closeout”).
- d. Unless otherwise authorized in 2 C.F.R § 200.343(a) or a special award condition, any extension of the period of performance can only be authorized by the Grants Officer in writing. Verbal or written assurances of funding from anyone other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the end of the period of performance.
- e. The DOC has no obligation to provide any additional prospective funding. Any amendment of the award to increase funding and to extend the period of performance is at the sole discretion of DOC.

.08 Tax Refunds

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

C. INTERNAL CONTROLS

Consistent with 2 C.F.R. § 200.303 (“Internal controls”), each non-Federal entity must:

1. Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States (available online at <http://www.gao.gov/assets/80/76455.pdf>) and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO) (available online at <http://www.coso.org/documents/Internal%20Control-Integrated%20Framework.pdf>).
2. Comply with Federal statutes, regulations, and the terms and conditions of Federal awards.
3. Evaluate and monitor the non-Federal entity’s compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.
4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
5. Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state and local laws regarding privacy and obligations of confidentiality.

D. PROPERTY STANDARDS

.01 Standards

Each non-Federal entity must comply with the Property Standards set forth in 2 C.F.R. §§ 200.310 (“Insurance coverage”) through 200.316 (“Property trust relationship”).

.02 Real and Personal Property

- a. In accordance with 2 C.F.R. § 200.316, real property, equipment, and intangible property acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property’s estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains an undivided, equitable reversionary interest in the property (Federal Interest). During the duration of the Federal Interest, the non-Federal entity shall comply with all use and disposition requirements and restrictions as

set forth in 2 C.F.R. §§ 200.310 through 200.316, as applicable, and in the terms and conditions of the Federal award.

- b. The Grants Officer may require a non-Federal entity to execute a security interest or other public notice of record to indicate that real or personal property acquired or improved in whole or in part with Federal funds is subject to the Federal Interest, and that certain use and disposition requirements apply to the property. The security interest or other public notice must be acceptable in form and substance to the DOC and must be perfected and placed of record in accordance with applicable State and local law, with continuances re-filed as appropriate. In such cases, the Grants Officer may further require the non-Federal entity to provide the DOC with a written statement from a licensed attorney in the jurisdiction where the property is located certifying that the Federal Interest has been protected, as required under the award and in accordance with applicable State and local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, shall be returned to the Grants Officer. The Grants Officer may elect not to release any or a portion of the Federal award funds until the non-Federal entity has complied with this provision and any other applicable award terms or conditions, unless other arrangements satisfactory to the Grants Officer are made.
- c. In accordance with 2 C.F.R. § 200.329 ("Reporting on real property"), the Federal awarding agency or pass-through entity must require a non-Federal entity to submit reports (using Form SF-429 "Real Property Status Report" or any successor form) at least annually on the status of real property in which the Federal government retains an interest, unless the Federal interest in the real property extends 15 years or longer. In those instances where the Federal Interest attached is for a period of 15 years or more, the Federal awarding agency or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or a Federal awarding agency or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years). The Federal awarding agency or pass-through entity may also require a non-Federal entity to periodically submit reports (using Form SF-428 "Tangible Personal Property Report") or any successor form) concerning tangible personal property in which the Federal Government retains an interest. In addition, the Federal awarding agency or pass-through entity may require a non-Federal entity to submit Form SF-429 and/or Form SF-428 in connection with a non-Federal entity's request to acquire, encumber, dispose of, or take any other action pertaining to real property or tangible personal property acquired or improved, in whole or in part, under a DOC financial assistance award or to Federally-owned property provided under a DOC award.

.03 Intellectual Property Rights

- a. General. The rights to any work produced or purchased under a Federal award are determined by 2 C.F.R. § 200.315 ("Intangible property"). The non-Federal entity owns any work produced or purchased under a Federal award subject to the DOC's royalty-free, nonexclusive, and irrevocable right to obtain, reproduce, publish, or otherwise use the work

or authorize others to receive, reproduce, publish, or otherwise use the work for Government purposes. In accordance with 2 C.F.R. § 200.315(d), the Federal Government has the right to obtain, reproduce, publish, or otherwise use the data produced under a Federal award and authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

- b. Inventions. Unless otherwise provided by law, the rights to any invention made by a non-Federal entity under a Federal award are determined by the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and as codified in 35 U.S.C. § 200 *et seq.*, except as otherwise required by law. The specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from Federal awards are described in more detail in 37 C.F.R. Part 401 and in particular, in the standard patent rights clause in 37 C.F.R. § 401.14, which is hereby incorporated by reference into this award.

1. Ownership.

- i. Non-Federal entity. The non-Federal entity has the right to elect to retain title to any invention it makes (conceived or first actually reduced to practice) or is made by its employees. A non-Federal entity that is a non-profit organization, which includes a university or other institution of higher learning, may not assign to a third party its rights to such an invention without the permission of DOC unless that assignment is to a patent management organization (e.g., a university's Research Foundation). The non-Federal entity's ownership rights are subject to the Government's nonexclusive, nontransferable, irrevocable, paid-up license and other rights.
- ii. Department. If the non-Federal entity elects not to retain title, fails to disclose the invention to the Federal awarding agency within the required time limits, or does not file a patent application within the time limits set forth in the standard patent rights clause, the DOC may request an assignment of all rights, which is normally subject to a limited royalty free nonexclusive revocable license for the non-Federal entity. The DOC owns any invention made solely by its employees, but may license the non-Federal entity in accordance with the procedures in 37 C.F.R. Part 404.
- iii. Inventor/Employee. If neither the non-Federal entity nor the DOC is interested in owning an invention by a non-Federal entity employee, the non-Federal entity, with the written concurrence of the DOC, may allow the inventor/employee to retain ownership of the invention subject to certain restrictions as described in 37 C.F.R. § 401.9.
- iv. Joint inventions. Inventions made jointly by a non-Federal entity and a DOC employee will be owned jointly by the non-Federal entity and the DOC. However, the DOC may transfer or license its rights to the non-Federal entity as authorized by 35 U.S.C. § 202(e) and 37 C.F.R. § 401.10 if the non-Federal entity is willing to patent and license the invention usually in exchange for a share of "net" royalties

based on the number of inventors (e.g., 50-50 if there is one non-Federal entity inventor and one DOC employee inventor). The agreement will be prepared by the DOC and may include other provisions, such as a royalty free license to the Government and certain other entities. The provision at 35 U.S.C. § 202(e) also authorizes the non-Federal entity to transfer its rights to the Government, which can agree to share royalties similarly as described above.

2. Responsibilities - iEdison. The non-Federal entity has responsibilities and duties set forth in the standard patent rights clause, which are not described below. The non-Federal entity is expected to comply with all the requirements of the standard patent rights clause and 37 C.F.R. Part 401. Non-Federal entities are required to submit their disclosures, elections, and requests for waiver from any requirement for substantial U.S. manufacture, electronically using the Interagency Edison extramural invention reporting system (iEdison) at www.iedison.gov. Non-Federal entities may obtain a waiver of this electronic submission requirement by providing to DOC compelling reasons for allowing the submission of paper copies of reports related to inventions.
- c. Patent Notification Procedures. Pursuant to E.O. 12889 (58 FR 69681, 1993), the DOC is required to notify the owner of any valid patent covering technology whenever the DOC or a non-Federal entity, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the non-Federal entity uses or has used patented technology under this award without a license or permission from the owner, the non-Federal entity must notify the Grants Officer.

This notice does not constitute authorization or consent by the Government to any copyright or patent infringement occurring under the award.
- d. A non-Federal entity may copyright any work produced under a Federal award, subject to the DOC's royalty-free, nonexclusive, and irrevocable right to obtain, reproduce, publish, or otherwise use the work, or authorize others to do so for Government purposes. Works jointly authored by DOC and non-Federal entity employees may be copyrighted, but only the part of such works authored by the non-Federal entity is protectable in the United States because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. On occasion and as permitted under 17 U.S.C. § 105, DOC may require the non-Federal entity to transfer to DOC a copyright in a particular work for Government purposes or when DOC is undertaking primary dissemination of the work.
- e. Freedom of Information Act (FOIA). In response to a FOIA request for research data relating to published research findings (as defined by 2 C.F.R. § 200.315(e)(2)) produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the Federal awarding agency will request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA.

E. PROCUREMENT STANDARDS

1. States. Pursuant to 2 C.F.R. § 200.317 (“Procurements by states”), when procuring property and services under this Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State must comply with 2 C.F.R. § 200.322 (“Procurement of recovered materials”), and ensure that every purchase order or other contract includes any clauses required by 2 C.F.R. § 200.326 (“Contract provisions”).
2. Other Non-Federal Entities. All other non-Federal entities, including subrecipients of a State, must follow the requirements of 2 C.F.R. §§ 200.318 (“General procurement standards”) through 200.326 (“Contract provisions”). This includes the requirement that non-Federal entities maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

F. AUDITS

Under the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, §§ 1 *et seq.*, an audit of the award may be conducted at any time. The Inspector General of the DOC, or any of his or her duly authorized representatives, shall have the right to access any pertinent books, documents, papers, and records of the non-Federal entity, whether written, printed, recorded, produced, or reproduced by any electronic, mechanical, magnetic, or other process or medium, in order to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law. This right also includes timely and reasonable access to the non-Federal entity’s personnel for the purpose of interview and discussion related to such documents. *See* 2 C.F.R. § 200.336 (“Access to records”). When the DOC Office of Inspector General (OIG) requires a program audit on a DOC award, the OIG will usually make the arrangements to audit the award, whether the audit is performed by OIG personnel, an independent accountant under contract with DOC, or any other Federal, State, or local audit entity.

.01 Organization-Wide, Program-Specific, and Project Audits

- a. Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by Subpart F to 2 C.F.R. Part 200, “Audits Requirements.” Non-Federal entities that are subject to the provisions of 2 C.F.R. Part 200 and that expend \$750,000 or more in a year in Federal awards shall have an audit conducted for that year in accordance with the relevant requirements. Within the earlier of 30 calendar days after receipt of the auditor’s report(s), or nine months after the end of the audit period, a copy of the audit shall be submitted electronically to the Federal Audit Clearinghouse website at: <http://harvester.census.gov/sac/>. If it is necessary to submit by paper, the address for submission is:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

Within 90 days of the end of the fiscal year of a non-Federal entity subject to Subpart F of 2 C.F.R. Part 200, the entity is responsible for notifying the Grants Officer of the amount of Federal awards, including all DOC and non-DOC awards, the non-Federal entity expended during its fiscal year.

- b. Unless otherwise specified in the terms and conditions of the award, non-Federal entities that are not subject to Subpart F of 2 C.F.R. Part 200 (e.g., for-profit entities) and that expend \$750,000 or more in DOC funds during their fiscal year must have an audit conducted for that year in accordance with Subpart F of 2 C.F.R. Part 200. The audit shall be completed and submitted to the Grants Officer within the earlier of 30 calendar days of the non-Federal entity's receipt of the audit report or nine months following the end of the non-Federal entity's fiscal year.

For-profit entities that expend less than \$750,000 in DOC funds in a given fiscal year are not required to have an annual audit for that year but must make their award-related records available to DOC or other designated officials for review and audit. Failure to provide audit reports within the timeframes specified above may result in appropriate enforcement action, up to and including termination of the award, and may jeopardize eligibility for receiving future DOC awards.

- c. Some DOC programs have specific audit guidelines that will be incorporated into the award. When DOC does not have a program-specific audit guide available for the program, the auditor will follow the requirements for a program-specific audit as described in 2 C.F.R. § 200.507 ("Program-specific audits"). The non-Federal entity may include a line item in the budget for the cost of the audit for approval. A copy of the program-specific audit shall be submitted to the Grants Officer.
- d. Non-Federal entities are responsible for compliance with the above audit requirements and for informing the Grants Officer of the status of their audit, including when the relevant audit has been completed and submitted in accordance with the requirements of this section. In accordance with 2 C.F.R. § 200.331(d)(3), pass-through entities are responsible for issuing a management decision for any audit findings pertaining to the Federal award provided to a subrecipient.

.02 Audit Resolution Process

- a. An audit of the award may result in the disallowance of costs incurred by the non-Federal entity and the establishment of a debt (account receivable) due DOC. For this reason, the non-Federal entity should take seriously its responsibility to respond to all audit findings and

recommendations with adequate explanations and supporting evidence whenever audit results are disputed.

- b. In accordance with the *Federal Register* notice dated January 27, 1989 (54 FR 4053), a non-Federal entity whose award is audited has the following opportunities to dispute the proposed disallowance of costs and the establishment of a debt:
 1. The non-Federal entity has 30 days from the date of the transmittal of the draft audit report to submit written comments and documentary evidence.
 2. The non-Federal entity has 30 days from the date of the transmittal of the final audit report to submit written comments and documentary evidence. There will be no extension of this deadline.
 3. The DOC shall review the documentary evidence submitted by the non-Federal entity and shall notify the non-Federal entity of the results in an *Audit Resolution Determination Letter*. The non-Federal entity has 30 days from the date of receipt of the *Audit Resolution Determination Letter* to submit a written appeal, unless this deadline is extended in writing by the DOC. The appeal is the last opportunity for the non-Federal entity to submit written comments and documentary evidence to the DOC to dispute the validity of the audit resolution determination.
 4. An appeal of the Audit Resolution Determination does not prevent the establishment of the audit-related debt nor does it prevent the accrual of interest on the debt. If the Audit Resolution Determination is overruled or modified on appeal, appropriate corrective action will be taken retroactively. An appeal will stay the offset of funds owed by the auditee against funds due to the auditee.
 5. The DOC shall review the non-Federal entity's appeal and notify the non-Federal entity of the results in an *Appeal Determination Letter*. After the opportunity to appeal has expired or after the appeal determination has been rendered, DOC will not accept any further documentary evidence from the non-Federal entity. No other administrative appeals are available in DOC.

G. DEBTS

.01 Payment of Debts Owed the Federal Government

- a. The non-Federal entity must promptly pay any debts determined to be owed the Federal Government. Any funds paid to the non-Federal entity in excess of the amount to which the non-Federal entity is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal government. In accordance with 2 C.F.R. § 200.345 ("Collection of amounts due"), if not paid within 90 calendar days after demand, DOC may reduce a debt owed to the Federal Government by:

1. Making an administrative offset against other requests for reimbursement;
 2. Withholding advance payments otherwise due to the non-Federal entity; or
 3. Taking any other action permitted by Federal statute.
- b. DOC debt collection procedures are set out in 15 C.F.R. Part 19. In accordance with 2 C.F.R. § 200.345 and 31 U.S.C. § 3717, failure to pay a debt owed to the Federal Government shall result in the assessment of interest, penalties and administrative costs in accordance with the provisions of 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Commerce entities will transfer any Commerce debt that is more than 180 days delinquent to the U.S. Department of the Treasury's Financial Management Service for debt collection services, a process known as "cross-servicing," pursuant to 31 U.S.C. § 3711(g), 31 C.F.R. § 285.12, and 15 C.F.R. § 19.9, and may result in DOC taking further action as specified in DOC ST&C A.06 "Non-Compliance With Award Provisions." Funds for payment of a debt must not come from other Federally-sponsored programs, and the DOC may conduct on-site visits, audits, and other reviews to verify that other Federal funds have not been used to pay a debt.

.02 Late Payment Charges

- a. Interest shall be assessed on the delinquent debt in accordance with section 3717(a) of the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701 *et seq.*). The minimum annual interest rate to be assessed is the U.S. Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available online at <http://www.fms.treas.gov/cvfr/index.html> and also published by the Department of the Treasury in the *Federal Register* (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>) and in the *Treasury Financial Manual Bulletin*. The assessed rate shall remain fixed for the duration of the indebtedness.
- b. Penalties shall accrue at a rate of not more than six percent per year or such other higher rate as authorized by law.
- c. Administrative charges, i.e., the costs of processing and handling a delinquent debt, shall be determined by the Commerce entity collecting the debt, as directed by the Office of the Chief Financial Officer and Assistant Secretary for Administration.

.03 Barring Delinquent Federal Debtors from Obtaining Federal Loans or Loan Insurance Guarantees

Pursuant to 31 U.S.C. § 3720B and 31 C.F.R. § 901.6, unless waived, the DOC is not permitted to extend financial assistance in the form of a loan, loan guarantee, or loan insurance to any person delinquent on a nontax debt owed to a Federal agency. This prohibition does not apply to disaster loans.

.04 Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs

Pursuant to 28 U.S.C. § 3201(e), unless waived by the DOC, a debtor who has a judgment lien against the debtor's property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the Federal Government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

H. GOVERNMENTWIDE DEBARMENT AND SUSPENSION

The non-Federal entity shall comply with the provisions of 2 C.F.R. Part 1326, "Nonprocurement Debarment and Suspension" (published in the *Federal Register* on December 21, 2006, 71 FR 76573), which generally prohibit entities that have been debarred, suspended, or voluntarily excluded from participating in Federal nonprocurement transactions either through primary or lower tier covered transactions, and which sets forth the responsibilities of recipients of Federal financial assistance regarding transactions with other persons, including subrecipients and contractors.

I. LOBBYING RESTRICTIONS

.01 Statutory Provisions

Non-Federal entities shall comply with 2 C.F.R. § 200.450 ("Lobbying"), which incorporates the provisions of 31 U.S.C. § 1352; the "New Restrictions on Lobbying" published at 55 FR 6736 (February 26, 1990); and OMB guidance and notices on lobbying restrictions. In addition, non-Federal entities must comply with the DOC regulations published at 15 C.F.R. Part 28, which implement the "New Restrictions on Lobbying". These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the Federal Government in connection with the award, and require the disclosure of the use of non-Federal funds for lobbying. Lobbying includes attempting to improperly influence, meaning any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter, either directly or indirectly. Costs incurred on to improperly influence are unallowable. *See* 2 C.F.R. § 200.450(b) and (c).

.02 Disclosure of Lobbying Activities

Any non-Federal entity that receives more than \$100,000 in Federal funding shall submit a completed Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying. The Form SF-LLL shall be submitted within 30 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects

the accuracy of the information contained in any disclosure form previously filed. The non-Federal entity must submit any required Forms SF-LLL, including those received from subrecipients, contractors, and subcontractors, to the Grants Officer.

J. CODES OF CONDUCT AND SUBAWARD, CONTRACT, AND SUBCONTRACT PROVISIONS

.01 Conflicts of Interest and Codes of Conduct

- a. General conflicts of interest requirements. In accordance with 2 C.F.R. § 200.112 (“Conflicts of interest”), each non-Federal entity must comply with the conflicts of interest policy provided by the Grants Officer. Any non-Federal entity must disclose in writing any potential conflicts of interest to the DOC or pass-through entity. In addition, pursuant to the certification in Form SF-424B, paragraph 3 and Form SF-424D, paragraph 7, as applicable, the recipient must maintain written standards of conduct to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain in the administration of an award.
- b. Procurement-related conflicts of interest. In addition, in accordance with 2 C.F.R. § 200.318 (“General procurement standards”), non-Federal entities must maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the selection, award and administration of contracts. *See* Section E. of these DOC ST&Cs entitled “Procurement Standards.”

.02 Applicability of Award Provisions to Subrecipients

- a. The recipient or pass-through entity shall require all subrecipients, including lower tier subrecipients, under the award to comply with the provisions of the award, including applicable provisions of the OMB Uniform Guidance (2 C.F.R. Part 200), and all associated terms and conditions. *See* 2 C.F.R. §§ 200.330 (“Subrecipient and contractor determinations”) through 200.332, (“Subrecipient Monitoring and Management”) and 2 C.F.R. § 200.101(b)(1) (“Applicability”), which describes the applicability of 2 C.F.R. Part 200 to various types of Federal awards.
- b. In accordance with 2 C.F.R. § 200.331 (“Requirements for pass-through entities”), all pass-through entities must:
 1. Subaward identification. Clearly identify every subaward to the subrecipient at the time of the subaward, including changes in subsequent subaward modification. In accordance with 2 C.F.R. § 200.331(a), required information includes:
 - i. All Federal Award Information data elements set out at 2 C.F.R. § 200.331(a)(1);

- ii. All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award;
 - iii. Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency, including identification of required financial and performance reports;
 - iv. Indirect cost rate information in accordance with 2 C.F.R. § 200.331(a)(4);
 - v. Access requirements to the subrecipient's records and financial statements in accordance with 2 C.F.R. § 200.331(a)(5); and
 - vi. Appropriate terms and conditions concerning closeout of the subaward.
2. Risk-Based Subrecipient Evaluations. Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring in accordance with 2 C.F.R. § 200.331(b).
 3. Subaward conditions. Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in 2 C.F.R. § 200.207 ("Specific conditions").
 4. Subrecipient Monitoring. In accordance with 2 C.F.R. § 200.331(d), monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal requirements; and that the subaward performance goals are achieved. Subrecipient monitoring must include:
 - i. Reviewing financial and programmatic reports required by the pass-through entity;
 - ii. Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and other means; and
 - iii. Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by 2 C.F.R. § 200.521 ("Management decision").
 5. Utilizing Risk-Based Monitoring Tools. In accordance with 2 C.F.R. § 200.331(e), depending on the recipient's evaluation of each subrecipient's risk, utilize appropriate monitoring tools, including training and technical assistance, performing on-site reviews, and arranging agreed-upon-procedures engagements as described in 2 C.F.R. § 200.425 ("Audit Services").

6. Subrecipient Audits. Verify that every subrecipient is audited as required by 2 C.F.R. Part 200, Subpart F “Audit requirements” when it is expected that the subrecipient’s Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 C.F.R. § 200.501 (“Audit requirements”).
7. Necessary adjustments to the pass-through entity’s records. Consider whether the results of the subrecipient’s audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity’s own records.
8. Enforcement action. Considering taking enforcement action against noncompliant subrecipients as described in 2 C.F.R. § 200.338 and in applicable program regulations.

See also 2 C.F.R. § 200.331 for the full text of requirements for pass-through entities.

.03 Competition and Codes of Conduct for Subawards

- a. The non-Federal entity must be alert to organizational conflicts of interest as well as other practices among subrecipients that may restrict or eliminate competition.
- b. The non-Federal entity shall maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of subawards. No employee, officer, or agent shall participate in the selection, award, or administration of a subaward supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization in which he/she serves as an officer or which employs or is about to employ any of the parties mentioned in this section, has a financial interest or other interest in the organization selected or to be selected for a subaward. The officers, employees, and agents of the non-Federal entity shall neither solicit nor accept anything of monetary value from subrecipients. However, the non-Federal entity may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.
- c. A financial interest may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward. An appearance of impairment of objectivity could result from an organizational conflict where, because of other activities or relationships with other persons or entities, a person is unable or potentially unable to render impartial assistance or advice. It could also result from non-financial gain to the individual, such as benefit to reputation or prestige in a professional field.

.04 Applicability of Provisions to Subawards, Contracts, and Subcontracts

- a. The non-Federal entity shall include the following notice in each request for applications or bids for a subaward, contract, or subcontract, as applicable:

Applicants/bidders for a lower tier covered transaction (except procurement contracts for goods and services under \$25,000 not requiring the consent of a DOC official) are subject to Subpart C of 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)." In addition, applicants/bidders for a lower tier covered transaction for a subaward, contract, or subcontract greater than \$100,000 of Federal funds at any tier are subject to 15 C.F.R. Part 28, "New Restrictions on Lobbying." Applicants/bidders should familiarize themselves with these provisions, including the certification requirement. Therefore, applications for a lower tier covered transaction must include a Form CD-512, "Certification Regarding Lobbying--Lower Tier Covered Transactions," completed without modification.

- b. The non-Federal entity shall include a term or condition in all lower tier covered transactions (subawards, contracts, and subcontracts), that the award is subject to Subpart C of 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)."

- c. Required subaward and contractual provisions.

1. The non-Federal entity shall include a statement in all lower tier covered transactions (subawards, contracts, and subcontracts) exceeding \$100,000 in Federal funds, that the subaward, contract, or subcontract is subject to 31 U.S.C § 1352, as implemented at 15 C.F.R. Part 28, "New Restrictions on Lobbying." The non-Federal entity shall further require the subrecipient, contractor, or subcontractor to submit a completed "Disclosure of Lobbying Activities" (Form SF-LLL) regarding the use of non-Federal funds for lobbying. The Form SF-LLL shall be submitted within 15 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Form SF-LLL shall be submitted from tier to tier until received by the recipient. The recipient must submit all disclosure forms received, including those that report lobbying activity on its own behalf, to the Grants Officer within 30 days following the end of the calendar quarter.
2. In addition to other provisions required by the Federal agency or non-Federal entity, in accordance with 2 C.F.R. § 200.326 ("Contract provisions"), all contracts made by the non-Federal entity under the Federal award must contain the applicable provisions set out at 2 C.F.R. Part 200, Appendix II, "Contract Provisions for Non-Federal Entity Contracts Under Federal Awards", which address various contractual requirements including remedies, termination for cause and convenience, Equal Employment Opportunity, the

Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, rights to inventions, environmental quality, energy efficiency, debarment and suspension, the Byrd Anti-Lobbying Amendment, and procurement of recovered materials. *See* Appendix II to 2 C.F.R. Part 200 for a full explanation of these requirements.

.05 Pilot Program for Enhancement of Employee Whistleblower Protections

The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. No. 112-239, enacted January 2, 2013 and codified at 41 U.S.C. § 4712) includes a pilot program of whistleblower protection. It applies to all DOC awards, subawards, or contracts under awards issued beginning July 1, 2013 through January 1, 2017. The following term implements that law:

In accordance with 41 U.S.C. § 4712, an employee of a non-Federal entity or contractor under a Federal award or subaward may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward. These persons or bodies include:

- a. A Member of Congress or a representative of a committee of Congress.
- b. An Inspector General.
- c. The Government Accountability Office.
- d. A Federal employee responsible for contract or grant oversight or management at the relevant agency.
- e. An authorized official of the Department of Justice or other law enforcement agency.
- f. A court or grand jury.
- g. A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Non-Federal entities and contractors under Federal awards and subawards shall inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

.06 Small Businesses, Minority Business Enterprises and Women's Business Enterprises

In accordance with 2 C.F.R. § 200.321 ("Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms"), the non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus areas firms are used when possible. DOC encourages non-Federal entities to

utilize small businesses, minority business enterprises and women's business enterprises in contracts under financial assistance awards. The Minority Business Development Agency within the DOC will assist non-Federal entities in matching qualified minority business enterprises with contract opportunities. For further information visit MBDA's website at <http://www.mbda.gov>. If you do not have access to the Internet, you may contact MBDA via telephone or mail:

U.S. Department of Commerce
Minority Business Development Agency
Herbert C. Hoover Building
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230
(202) 482-0101

.07 Subaward and/or Contract to a Federal Agency

- a. The non-Federal entity, contractor, and/or subcontractor shall not sub-grant or sub-contract any part of the approved project to any agency or employee of DOC and/or other Federal department, agency, or instrumentality without the prior written approval of the Grants Officer.
- b. The non-Federal entity must submit requests for approval of such action to the Federal Program Officer who shall review and make a recommendation to the Grants Officer. The Grants Officer must forward all requests to the Federal Assistance Law Division in the Office of the Department of Commerce Assistant General Counsel for Finance and Litigation for review prior to making the final determination. The Grants Officer will notify the non-Federal entity in writing of the final determination.

K. NATIONAL POLICY REQUIREMENTS

.01 Non-Discrimination Requirements

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

a. Statutory Provisions

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

2. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities;
3. The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*) prohibiting discrimination on the basis of disability under programs, activities, and services provided or made available by State and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;
4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. Part 8b prohibiting discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance.

For purposes of complying with the accessibility standards set forth in 15 C.F.R. § 8b.18(c), non-federal entities must adhere to the regulations, published by the U.S. Department of Justice, implementing Title II of the Americans with Disabilities Act (ADA) (28 C.F.R. part 35; 75 FR 56164, as amended by 76 FR 13285) and Title III of the ADA (28 C.F.R. part 36; 75 FR 56164, as amended by 76 FR 13286). The revised regulations adopted new enforceable accessibility standards called the “2010 ADA Standards for Accessible Design” (2010 Standards), which replace and supersede the former Uniform Federal Accessibility Standards for new construction and alteration projects.

5. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 *et seq.*), and DOC implementing regulations published at 15 C.F.R. Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance; and
6. Any other applicable non-discrimination law(s).

b. Other Provisions

1. Parts II and III of E.O. 11246, “Equal Employment Opportunity,” (30 FR 12319, 1965),³ which requires Federally assisted construction contracts to include the nondiscrimination provisions of §§ 202 and 203 of E.O. 11246 and Department of Labor regulations implementing E.O. 11246 (41 C.F.R. § 60-1.4(b), 1991).
2. E.O. 13166 (65 FR 50121, 2000), “Improving Access to Services for Persons With Limited English Proficiency,” requiring Federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have

³ As amended by E.O. 11375 (32 FR 14303, 1967) and E.O. 12086 (43 FR 46501, 1978).

meaningful access to them. The DOC issued policy guidance on March 24, 2003 (68 FR 14180) to articulate the Title VI prohibition against national origin discrimination affecting LEP persons and to help ensure that non-Federal entities provide meaningful access to their LEP applicants and beneficiaries.

c. Title VII Exemption for Religious Organizations

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

.02 Environmental Requirements

Environmental impacts must be considered by Federal decision makers in their decisions whether or not to approve: (1) a proposal for Federal assistance; (2) the proposal with mitigation; or (3) a different proposal having less adverse environmental impacts. Federal environmental laws require that the funding agency initiate an early planning process that considers potential impacts that projects funded with Federal assistance may have on the environment. Each non-Federal entity must comply with all environmental standards, to include those prescribed under the following statutes and E.O.s, and shall identify to the awarding agency any impact the award may have on the environment. In some cases, award funds can be withheld by the Grants Officer under a special award condition requiring the non-Federal entity to submit additional environmental compliance information sufficient to enable the DOC to make an assessment on any impacts that a project may have on the environment.

a. The National Environmental Policy Act (42 U.S.C. §§ 4321 *et seq.*)

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 C.F.R. Parts 1500 through 1508) require that an environmental analysis be completed for all major Federal actions significantly affecting the environment. NEPA applies to the actions of Federal agencies and may include a Federal agency's decision to fund non-Federal projects under grants and cooperative agreements when the award activities remain subject to Federal authority and control. Non-Federal entities are required to identify to the awarding agency any impact an award will have on the quality of the human environment, and assist the agency in complying with NEPA. Non-Federal entities may also be requested to assist DOC in drafting an environmental assessment or environmental impact statement if DOC determines such documentation is required. Until such time as the appropriate NEPA documentation is complete and in the event that any additional information is required during the period of performance to assess project environmental impacts, funds can be

withheld by the Grants Officer under a special award condition requiring the non-Federal entity to submit the appropriate NEPA documentation sufficient to enable DOC to make an assessment on any impacts that a project may have on the environment.

b. The National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*)

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) and the Advisory Council on Historic Preservation implementing regulations (36 C.F.R. Part 800) require that Federal agencies take into account the effects of their undertakings on historic properties. Non-Federal entities are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Non-Federal entities may also be requested to assist DOC in consulting with State or Tribal Historic Preservation Officers or other applicable interested parties necessary to identify, assess, and resolve adverse effects to historic properties. Until such time as the appropriate NHPA consultations and documentation are complete and in the event that any additional information is required during the period of performance in order to assess project impacts on historic properties, funds can be withheld by the Grants Officer under a special award condition requiring the non-Federal entity to submit any information sufficient to enable DOC to make the requisite assessment under the NHPA.

c. Executive Order 11988 (“Floodplain Management”) and Executive Order 11990 (“Protection of Wetlands”)

Non-Federal entities must identify proposed actions in Federally defined floodplains and wetlands to enable DOC to make a determination whether there is an alternative to minimize any potential harm.

d. Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*) (Clean Water Act), and Executive Order 11738 (“Providing for administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants or loans”)

Non-Federal entities must comply with the provisions of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), Clean Water Act (33 U.S.C. §§ 1251 *et seq.*), and E.O. 11738 (38 FR 25161, 1973), and shall not use a facility on the Environmental Protection Agency’s (EPA) List of Violating Facilities (this list is incorporated into the Excluded Parties List System located at <https://www.sam.gov/portal/public/SAM/>) in performing any award that is nonexempt under 2 C.F.R. § 1532, and shall notify the Program Officer in writing if it intends to use a facility that is on the EPA List of Violating Facilities or knows that the facility has been recommended to be placed on the List.

e. The Flood Disaster Protection Act (42 U.S.C. §§ 4002 *et seq.*)

Flood insurance, when available, is required for Federally assisted construction or acquisition in flood-prone areas.

f. The Endangered Species Act (16 U.S.C. §§ 1531 *et seq.*)

Non-Federal entities must identify any impact or activities that may involve a threatened or endangered species. Federal agencies have the responsibility to ensure that no adverse effects to a protected species or habitat occur from actions under Federal assistance awards and conduct the reviews required under the Endangered Species Act, as applicable.

g. The Coastal Zone Management Act (16 U.S.C. §§ 1451 *et seq.*)

Funded projects must be consistent with a coastal State's approved management program for the coastal zone.

h. The Coastal Barriers Resources Act (16 U.S.C. §§ 3501 *et seq.*)

Only in certain circumstances can Federal funding be provided for actions within a Coastal Barrier System.

i. The Wild and Scenic Rivers Act (16 U.S.C. §§ 1271 *et seq.*)

This Act applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.

j. The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. §§ 300f *et seq.*)

This Act precludes Federal assistance for any project that the EPA determines may contaminate a sole source aquifer so as to threaten public health.

k. The Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 *et seq.*)

This Act regulates the generation, transportation, treatment, and disposal of hazardous wastes, and also provides that non-Federal entities give preference in their procurement programs to the purchase of recycled products pursuant to EPA guidelines.

l. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) (42 U.S.C. §§ 9601 *et seq.*) and the Community Environmental Response Facilitation Act (42 U.S.C. § 9601 *note et seq.*)

These requirements address responsibilities related to hazardous substance releases, threatened releases and environmental cleanup. There are also reporting and community involvement requirements designed to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.

m. Executive Order 12898 (“Environmental Justice in Minority Populations and Low Income Populations”)

Federal agencies are required to identify and address the disproportionately high and adverse human health or environmental effects of Federal programs, policies, and activities on low income and minority populations.

.03 OTHER NATIONAL POLICY REQUIREMENTS

a. Criminal and Prohibited Activities

1. The Program Fraud Civil Remedies Act (31 U.S.C. § 3801 *et seq.*), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal Government for money (including money representing grants, loans, or other benefits).
2. The False Claims Amendments Act of 1986 and the False Statements Accountability Act of 1996 (18 U.S.C. §§ 287 and 1001, respectively), provide that whoever makes or presents any false, fictitious, or fraudulent statement, representation, or claim against the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 U.S.C. § 287.
3. The Civil False Claims Act (31 U.S.C. §§ 3729 - 3733), provides that suits can be brought by the government, or a person on behalf of the government, for false claims made under Federal assistance programs.
4. The Copeland “Anti-Kickback” Act (18 U.S.C. § 874), prohibits a person or organization engaged in a Federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract. The Copeland “Anti-Kickback” Act also applies to contractors and subcontractors pursuant to 40 U.S.C. § 3145.

b. Drug-Free Workplace

The non-Federal entity shall comply with the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8102) and DOC implementing regulations published at 15 C.F.R. Part 29 “Government wide Requirements for Drug-Free Workplace (Financial Assistance),” which require that the non-Federal entity take steps to provide a drug-free workplace.

c. Foreign Travel

1. Each non-Federal entity shall comply with the provisions of the Fly America Act (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131 through 301-10.143.

2. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a U.S. flag air carrier is unavailable, or use of U.S. flag air carrier service will not accomplish the agency's mission.
3. One exception to the requirement to fly U.S. flag carriers is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act pursuant to 49 U.S.C. § 40118(b). The United States Government has entered into bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) that allow federal funded transportation services for travel and cargo movements to use foreign air carriers under certain circumstances. There are multiple "Open Skies Agreements" currently in effect. For more information about the current bilateral and multilateral agreements, visit the GSA website <http://www.gsa.gov/portal/content/103191>. Information on the Open Skies agreements (U.S. Government Procured Transportation) and other specific country agreements may be accessed via the Department of State's website <http://www.state.gov/e/eeb/tra/>.
4. If a foreign air carrier is anticipated to be used for any portion of travel under a DOC financial assistance award the non-Federal entity must receive prior approval from the Grants Officer. When requesting such approval, the non-Federal entity must provide a justification in accordance with guidance provided by 41 C.F.R. § 301-10.142, which requires the non-Federal entity to provide the Grants Officer with the following: name; dates of travel; origin and destination of travel; detailed itinerary of travel; name of the air carrier and flight number for each leg of the trip; and a statement explaining why the non-Federal entity meets one of the exceptions to the regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the non-Federal entity must provide the Grants Officer with a copy of the agreement or a citation to the official agreement available on the GSA website. The Grants Officer shall make the final determination and notify the non-Federal entity in writing. Failure to adhere to the provisions of the Fly America Act will result in the non-Federal entity not being reimbursed for any transportation costs for which any non-Federal entity improperly used a foreign air carrier.

d. Increasing Seat Belt Use in the United States

Pursuant to E.O. 13043 (62 FR 19217, 1997), non-Federal entities should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented, or personally owned vehicles.

e. Research Involving Human Subjects

1. All proposed research involving human subjects must be conducted in accordance with 15 C.F.R. Part 27, "Protection of Human Subjects." No research involving human subjects is permitted under this award unless expressly authorized by special award condition, or otherwise in writing by the Grants Officer.
2. Federal policy defines a human subject as a living individual about whom an investigator conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.
3. DOC regulations at 15 C.F.R. Part 27 require that non-Federal entities maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in this project, the non-Federal entity shall submit appropriate documentation to the Federal Program Officer for approval by the appropriate DOC officials. This documentation may include:
 - i. Documentation establishing approval of the project by an Institutional Review Board (IRB) approved for Federal-wide use under Department of Health and Human Services guidelines (*see also* 15 C.F.R. § 27.103);
 - ii. Documentation to support an exemption for the project under 15 C.F.R. § 27.101(b);
or
 - iii. Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form.
4. No work involving human subjects may be undertaken, conducted, or costs incurred and/or charged for human subjects research, until the appropriate documentation is approved in writing by the Grants Officer. In accordance with 15 C.F.R. § 27.118, if research involving human subjects is proposed after an award is made, the non-Federal entity must contact the Federal Program Officer and provide required documentation. Notwithstanding this prohibition, work may be initiated or costs incurred and/or charged to the project for protocol or instrument development related to human subjects research.

f. Federal Employee Expenses

Federal agencies are generally barred from accepting funds from a non-Federal entity to pay transportation, travel, or other expenses for any Federal employee. Use of award funds (Federal or non-Federal) or the non-Federal entity's provision of in-kind goods or services, for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, DOC policy prohibits the acceptance of gifts,

including travel payments for Federal employees, from non-Federal entities or applicants regardless of the source.

g. Minority Serving Institutions Initiative

Pursuant to E.O.s 13555 (“White House Initiative on Educational Excellence for Hispanics”) (75 FR 65417, 2010), 13592 (“Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities”) (76 FR 76603, 2011) , and 13532 (“Promoting Excellence, Innovation, and Sustainability at Historically Black Colleges and Universities”) (75 FR 9749, 2010), DOC is strongly committed to broadening the participation of minority serving institutions (MSIs) in its financial assistance programs. DOC’s goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the Nation’s capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. DOC encourages all applicants and non-Federal entities to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website.

h. Research Misconduct

The DOC adopts, and applies to financial assistance awards for research, the “Federal Policy on Research Misconduct” (Federal Policy) issued by the Executive Office of the President’s Office of Science and Technology Policy on December 6, 2000 (65 FR 76260). As provided for in the Federal Policy, research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest errors or differences of opinion. Non-Federal entities that conduct extramural research funded by DOC must foster an atmosphere conducive to the responsible conduct of sponsored research by safeguarding against and resolving allegations of research misconduct. Non-Federal entities also have the primary responsibility to prevent, detect, and investigate allegations of research misconduct and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so. Non-Federal entities must notify the Grants Officer of any allegation that meets the definition of research misconduct and detail the entity’s inquiry to determine whether there is sufficient evidence to proceed with an investigation, as well as the results of any investigation. The DOC may take appropriate administrative or enforcement action at any time under the award, up to and including award termination and possible suspension or debarment, and referral to the Commerce OIG, the U.S. Department of Justice, or other appropriate investigative body.

i. Publications, Videos, and Acknowledgment of Sponsorship

1. Publication of results or findings in appropriate professional journals and production of video or other media is encouraged as an important method of recording, reporting and otherwise disseminating information and expanding public access to federally-funded projects (e.g., scientific research).

2. Non-Federal entities may be required to submit a copy of any publication materials, including but not limited to print, recorded, or Internet materials, to the funding agency.
3. When releasing information related to a funded project, non-Federal entities must include a statement that the project or effort undertaken was or is sponsored by DOC.
4. Non-Federal entities are responsible for assuring that every publication of material based on, developed under, or otherwise produced under a DOC financial assistance award, except scientific articles or papers appearing in scientific, technical, or professional journals, contains the following disclaimer or other disclaimer approved by the Grants Officer:

This [report/video/etc.] was prepared by [non-Federal entity name] using Federal funds under award [number] from [name of operating unit], U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the [name of operating unit] or the U.S. Department of Commerce.

j. Care and Use of Live Vertebrate Animals

Non-Federal entities must comply with the Laboratory Animal Welfare Act of 1966, as amended, (Pub. L. No. 89-544, 7 U.S.C. §§ 2131 *et seq.*) (animal acquisition, transport, care, handling, and use in projects), and implementing regulations (9 C.F.R. Parts 1, 2, and 3); the Endangered Species Act (16 U.S.C. §§ 1531 *et seq.*); Marine Mammal Protection Act (16 U.S.C. §§ 1361 *et seq.*) (taking possession, transport, purchase, sale, export or import of wildlife and plants); the Nonindigenous Aquatic Nuisance Prevention and Control Act (16 U.S.C. §§ 4701 *et seq.*) (ensure preventive measures are taken or that probable harm of using species is minimal if there is an escape or release); and all other applicable statutes pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by Federal financial assistance. No research involving vertebrate animals is permitted under any DOC financial assistance award unless authorized by the Grants Officer.

k. Homeland Security Presidential Directive 12

If the performance of a grant award requires non-Federal entity personnel to have routine access to Federally-controlled facilities and/or Federally-controlled information systems (for purpose of this term “routine access” is defined as more than 180 days), such personnel must undergo the personal identity verification credential process. In the case of foreign nationals, the DOC will conduct a check with U.S. Citizenship and Immigration Services’ (USCIS) Verification Division, a component of the Department of Homeland Security (DHS), to ensure the individual is in a lawful immigration status and that he or she is eligible for employment within the United States. Any items or services delivered under a financial assistance award shall comply with DOC personal identity verification procedures that implement Homeland Security Presidential Directive 12, “Policy for a Common Identification Standard for Federal Employees and Contractors”, FIPS PUB 201, and OMB Memorandum M-05-24. The non-Federal entity shall

ensure that its subrecipients and contractors (at all tiers) performing work under this award comply with the requirements contained in this term. The Grants Officer may delay final payment under an award if the subrecipient or contractor fails to comply with the requirements listed in the term below. The non-Federal entity shall insert the following term in all subawards and contracts when the subaward non-Federal entity or contractor is required to have routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system:

The subrecipient or contractor shall comply with DOC personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication (FIPS PUB) Number 201, as amended, for all employees under this subaward or contract who require routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system.

The subrecipient or contractor shall account for all forms of Government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor shall return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by DOC: (1) When no longer needed for subaward or contract performance; (2) Upon completion of the subrecipient or contractor employee's employment; (3) Upon subaward or contract completion or termination.

I. Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations

1. This clause applies to the extent that this financial assistance award involves access to export-controlled items.
2. In performing this financial assistance award, a non-Federal entity may gain access to items subject to export control (export-controlled items) under the Export Administration Regulations (EAR). The non-Federal entity is responsible for compliance with all applicable laws and regulations regarding export-controlled items, including the EAR's deemed exports and reexports provisions. The non-Federal entity shall establish and maintain effective export compliance procedures at DOC and non-DOC facilities throughout performance of the financial assistance award. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled items, including by foreign nationals.
3. Definitions
 - i. Export-controlled items. Items (commodities, software, or technology), that are subject to the EAR (15 C.F.R. §§ 730-774), implemented by the DOC's Bureau of Industry and Security. These are generally known as "dual-use" items, items with a military and commercial application.

- ii. Deemed Export/Reexport. The EAR defines a deemed export as a release of export-controlled items (specifically, technology or source code) to a foreign national in the U.S. Such release is “deemed” to be an export to the home country of the foreign national (*see* 15 C.F.R. § 734.2(b)(2)(ii)). A release may take the form of visual inspection, oral exchange of information, or the application abroad of knowledge or technical experience acquired in the U.S. If such a release occurs abroad, it is considered a deemed reexport to the foreign national’s home country. Licenses from DOC may be required for deemed exports or reexports.
4. The non-Federal entity shall control access to all export-controlled items that it possesses or that comes into its possession in performance of this financial assistance award, to ensure that access to, or release of, such items are restricted, or licensed, as required by applicable Federal laws, E.O.s, and/or regulations, including the EAR.
5. As applicable, non-Federal entity personnel and associates at DOC sites will be informed of any procedures to identify and protect export-controlled items.
6. To the extent the non-Federal entity wishes to provide foreign nationals with access to export-controlled items, the non-Federal entity shall be responsible for obtaining any necessary licenses, including licenses required under the EAR for deemed exports or deemed reexports.
7. Nothing in the terms of this financial assistance award is intended to change, supersede, or waive the requirements of applicable Federal laws, E.O.s or regulations.
8. Compliance with this term will not satisfy any legal obligations the non-Federal entity may have regarding items that may be subject to export controls administered by other agencies such as the Department of State, which has jurisdiction over exports of munitions items subject to the International Traffic in Arms Regulations (ITAR) (22 C.F.R. §§ 120-130), including releases of such items to foreign nationals.
9. The non-Federal entity shall include this clause, including this paragraph (i), in all lower tier transactions (subawards, contracts, and subcontracts) under this financial assistance award that may involve access to export-controlled items.

m. The Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7104(g)), as amended, and the implementing regulations at 2 C.F.R. Part 175

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal Government, if any non-Federal entity engages in certain activities related to trafficking in persons. The DOC hereby incorporates the following award term required by 2 C.F.R. § 175.15(b). *See* <http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf>.

Award Term from 2 C.F.R. § 175.15(b):

Trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

1. *You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—*
 - i. *Engage in severe forms of trafficking in persons during the period of time that the award is in effect;*
 - ii. *Procure a commercial sex act during the period of time that the award is in effect; or*
 - iii. *Use forced labor in the performance of the award or subawards under the award.*

2. *We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —*
 - i. *Is determined to have violated a prohibition in paragraph a.1 of this award term;*
or
 - ii. *Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either— (A) Associated with performance under this award; or (B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOC at 2 C.F.R. Part 1326, "Nonprocurement Debarment and Suspension."*

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. *Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or*

2. *Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—*
 - i. *Associated with performance under this award; or*
 - ii. *Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOC at 2 C.F.R. Part 1326, "Nonprocurement Debarment and Suspension."*

c. Provisions applicable to any recipient.

1. *You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.*
2. *Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:*
 - i. *Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and*
 - ii. *Is in addition to all other remedies for noncompliance that are available to us under this award.*
3. *You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.*

d. Definitions. For purposes of this award term:

1. *“Employee” means either:*
 - i. *An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or*
 - ii. *Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.*
2. *“Forced labor” means: labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.*
3. *“Private entity”:*
 - i. *Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. § 175.25;*
 - ii. *Includes: (A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. § 175.25(b); and (B) A for-profit organization.*
4. *“Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).*

n. The Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282, 31 U.S.C. § 6101 note)

1. **Searchable Website Requirements.** The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires information on Federal awards (Federal financial assistance and expenditures) be made available to the public via a single, searchable website. This information is available at www.USASpending.gov. Recipients and subrecipients must include the following required data elements in their application:
 - Name of entity receiving award;
 - Award amount;
 - Transaction type, funding agency, Catalog of Federal Domestic Assistance Number, and descriptive award title;
 - Location of entity, primary location of performance (City/State/Congressional District/Country); and
 - Unique identifier of entity.

See also 2 C.F.R. § 200.211 (“Public access to Federal award information”).

2. **Reporting Subawards and Executive Compensation.** Prime grant recipients awarded a new Federal grant greater than or equal to \$25,000 on or after October 1, 2010, other than those funded by the Recovery Act, are subject to FFATA subaward reporting requirements as outlined in the OMB guidance issued August 27, 2010. The prime recipient is required to file a FFATA subaward report by the end of the month following the month in which the prime recipient awards any sub-grant greater than or equal to \$25,000. *See* Pub. L. No. 109-282, as amended by section 6202(a) of Pub. L. No. 110-252 (*see* 31 U.S.C. 6101 note). The reporting requirements are located in Appendix A of 2 C.F.R. Part 170 and are available on the Government Printing Office’s (GPO’s) FDsys website: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title2-vol1/pdf/CFR-2011-title2-vol1-part170-appA.pdf>.

Award Term from Appendix A of 2 C.F.R. Part 170:

Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

1. *Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).*

2. Where and when to report.

- i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
- ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. the total Federal funding authorized to date under this award is \$25,000 or more;
- ii. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

- i. As part of your registration profile at <http://www.ccr.gov>.
- ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. **Applicability and what to report.** Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

See also 2 C.F.R. § 200.300(b).

2. **Where and when to report.** You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
 - i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

- d. **Exemptions.** If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report: i. Subawards, and ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. **Entity** means all of the following, as defined in 2 C.F.R. Part 25:

- i. *A Governmental organization, which is a State, local government, or Indian tribe;*
 - ii. *A foreign public entity;*
 - iii. *A domestic or foreign nonprofit organization;*
 - iv. *A domestic or foreign for-profit organization;*
 - v. *A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.*
2. *Executive means officers, managing partners, or any other employees in management positions.*
3. *Subaward:*
- i. *This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.*
 - ii. *The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").*
 - iii. *A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.*
4. *Subrecipient means an entity that:*
- i. *Receives a subaward from you (the recipient) under this award; and*
 - ii. *Is accountable to you for the use of the Federal funds provided by the subaward.*
5. *Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. § 229.402(c)(2)):*
- i. *Salary and bonus.*
 - ii. *Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.*
 - iii. *Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.*
 - iv. *Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.*
 - v. *Above-market earnings on deferred compensation which is not tax-qualified.*

- vi. *Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.*
3. Central Contractor Registration (CCR) and Universal Identifier requirements. In accordance with 2 C.F.R. Part 25, recipients must obtain a DUNS number and maintain an active registration in the CCR database. In addition, recipients must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the prime recipient. The requirements are located in Appendix A of 2 C.F.R. Part 25 and are available on GOP's FDsys website at: <http://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part25.pdf>.

Award Term from Appendix A of 2 C.F.R. Part 25:

Central Contractor Registration and Universal Identifier Requirements

- a. ***Requirement for Central Contractor Registration (CCR).*** *Unless you are exempted from this requirement under 2 C.F.R. § 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.*
- b. ***Requirement for Data Universal Numbering System (DUNS) Numbers.*** *If you are authorized to make subawards under this award, you:*
 1. *Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.*
 2. *May not make a subaward to an entity unless the entity has provided its DUNS number to you.*
- c. ***Definitions for purposes of this award term:***
 1. *Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management Internet site (currently at <https://www.sam.gov/portal/public/SAM/>).*
 2. *Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone*

(currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

3. *Entity, as it is used in this award term, means all of the following, as defined at 2 C.F.R. part 25, subpart C:*
 - a. *A Governmental organization, which is a State, local government, or Indian Tribe;*
 - b. *A foreign public entity;*
 - c. *A domestic or foreign nonprofit organization;*
 - d. *A domestic or foreign for-profit organization; and*
 - e. *A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.*

4. *Subaward:*
 - a. *This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.*
 - b. *The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").*
 - c. *A subaward may be provided through any legal agreement, including an agreement that you consider a contract.*

5. *Subrecipient means an entity that:*
 - a. *Receives a subaward from you under this award; and*
 - b. *Is accountable to you for the use of the Federal funds provided by the subaward.*

See also 2 C.F.R. § 200.300(b).

n. Federal Financial Assistance Planning During a Funding Hiatus or Government Shutdown

This term sets forth initial guidance that will be implemented for Federal assistance awards in the event of a lapse in appropriations, or a government shutdown. The Grants Officer may issue further guidance prior to an anticipated shutdown.

1. Unless there is an actual rescission of funds for specific grant obligations, non-Federal entities under Federal financial assistance awards for which funds have been obligated generally will be able to continue to perform and incur allowable expenses under the award during a funding hiatus. Non-Federal entities are advised that ongoing activities by Federal employees involved in grant administration (including payment processing) or similar operational and administrative work cannot continue when there is a funding lapse. Therefore, there may be delays, including payment processing delays, in the event of a shutdown.
2. All award actions will be delayed during a government shutdown; if it appears that a non-Federal entity's performance under a grant or cooperative agreement will require agency involvement, direction, or clearance during the period of a possible government shutdown, the Program Officer or Grants Officer, as appropriate, may attempt to provide such involvement, direction, or clearance prior to the shutdown or advise non-Federal entities that such involvement, direction, or clearance will not be forthcoming during the shutdown. Accordingly, non-Federal entities whose ability to withdraw funds is subject to prior agency approval, which in general are non-Federal entities that have been designated high risk, non-Federal entities under construction awards, or are otherwise limited to reimbursements or subject to agency review, will be able to draw funds down from the relevant Automatic Standard Application for Payment (ASAP) account only if agency approval is given and coded into ASAP prior to any government shutdown or closure. This limitation may not be lifted during a government shutdown. Non-Federal entities should plan to work with the Grants Officer to request prior approvals in advance of a shutdown wherever possible. Non-Federal entities whose authority to draw down award funds is restricted may decide to suspend work until the government reopens.
3. The ASAP system should remain operational during a government shutdown. Non-Federal entities that do not require any Grants Officer or agency approval to draw down advance funds from their ASAP accounts should be able to do so during a shutdown. The 30-day limitation on the drawdown of advance funds will still apply notwithstanding a government shutdown and advanced funds held for more than 30 days will have to be returned with interest.

PRAIRIE VIEW – EDA PROJECT NO. 08-01-05082
OLD HOUSTON HIGHWAY & JAMES MUSE PARKWAY INFRASTRUCTURE
DEVELOPMENT STATUS REPORT
MONDAY, NOVEMBER 2, 2015

- EDA Kickoff Meeting was held on Thursday, October 29, 2015.
- Key Project Participants present included: Mayor Frank Jackson, Councilman Herbert Thomas, City Secretary – Janie Willman, Kristie Hadnot (Project Manager - Public Management, Inc.), David Leyendecker (Project Engineer – Clay & Leyendecker), Jerrold Johnson (City Financial Advisor – J&J Johnson), Vince Goodman (CEO – Tomball Forest), Travis Barbier (Project Engineer – EDA Facilitator).
- Meeting Items Covered:
 - I. Confirmation of Project Award: \$1,046,000 / City Match Amount Required: \$454,200.
 - II. Special Award Conditions:
 - a. All work on the project should be consistent with the Authorized Scope of Work outlined in the original application submission. The authorized scope of work can only be modified in writing by amendment and approved by EDA. Essentially, construction modifications on scope increases and reductions can be recommended by the project engineer, grant administrator, contractor, and City if the work needed requires a necessary change in the construction to make the infrastructure and associated components work according to specifications and plans.
 - b. Project Development Time Scheduling - The acceptance of the award has been executed and approved by the City and EDA. Effective start date of the project is 9/22/2015. The City has five (5) years from the sign date of EDA to complete the project – 9/22/2020. Current milestones to be aware of:
 - i. Start of Construction must occur within 24 months of award acceptance – 9/22/2017.
 - ii. Construction must be completed 36 months from award acceptance – 9/22/2018.
 - iii. Project Completion (i.e. - Construction, Closeout Process, Final Document Submissions) must be completed 60 months from award acceptance – 9/22/2020.
 - iv. Quarterly Reports should be submitted to EDA by no later than the 15th day of the quarter's end (i.e. – Jan. 15th, April 15th, July 15th, Oct. 15th).
 - c. Financial Management – Since the City has received the federal award of \$1,046,000 in grant funds, it is required that the City's match amount to be expended be no less than \$400,475. EDA outlined their approved line item budget. Most of the grant funds to be used has been allocated to construction and architecture and engineering fees.
 - i. Since this is considered to be a reimbursement program, whenever invoices for services are received, it is expected that the City will make initial payment from their bond proceeds and provide EDA with the invoices and proof of payment for reimbursement of the proceeds

back. However, the City has the option to request grant funds from EDA to issue payment to the engineer and contractor once funds are received. It's advisable that any grant funded payments to be issued in lieu of reimbursement should be submitted within five (5) business days from receipt to the City banking account.

- ii. In setting up financial management of grant funds and expenditures, the City must establish a non-interest bearing bank account to have grant funds directly deposited to a separate account for tracking all specific grant fund deposits and expenditures on this project. All financial transactions should be easily tracked this way and reported to EDA during post-project audit.
 - iii. Of the various forms provided by EDA, an Authorized Depository / Signatory Form will need to be completed by the City to determine who will have the authority to execute and approve payment / reimbursement requests to EDA on the project.
- d. Procurement – EDA requires that all procurement transactions be in accordance with Regulations set forth at 2 CFR Section 200.317-200.326. It is advised that the City follow the procurement recommendations outlined to maintain compliance with federal guidelines of the EDA program since grant funds are being utilized to pay for engineering and construction costs.
 - e. Grant Administration Plan – Public Management will draft the required Grant Administration Plan and submit to the City for review by no later than Friday, November 13, 2015. EDA requires that a grant administration plan be submitted within sixty (60) days of the City accepting the EDA award. The Grant Administration Plan will outline how the City intends to administer the EDA award and project. Within this plan, information of project contacts, scheduling, financial management, procurement, construction management, and project closeout will need to be provided.
 - f. Pre-Construction Permit Clearances – Per EDA's response, the environmental verifications submitted at the time of the City's formal application were sufficient and approved. However, before construction can began, a determination from the U.S. Corp of Engineers must be received to determine whether or not a Section 404 (dredge or fill material) permit is going to be required on this project. A response will be needed prior to the advertisement of construction bidding. The project engineer will be responsible for completing this task and verifying receipt of response to EDA.



UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
Austin Regional Office
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701

In reply refer to:
EDA Award No. 08-01-05082

September 22, 2015

The Honorable Frank D. Jackson
Mayor of Prairie View
44500 U.S. Business Hwy 290
Prairie View, TX 77446

Dear Mayor Jackson:

I am pleased to inform you that the Department of Commerce's Economic Development Administration (EDA) has approved a Financial Assistance Award for \$1,046,000. This EDA investment will support the Muse Parkway and Old Houston Highway Infrastructure Development Project.

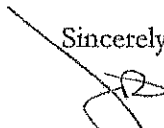
Enclosed are two signed copies of the Financial Assistance Award. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official on each of the signed copies of the Financial Assistance Award. One of the executed copies should be returned to the Office of the Regional Director, 903 San Jacinto Blvd., Suite 206, Austin, TX 78701. If not signed and returned within 30 days of receipt, EDA may declare the Award null and void.

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

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

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

Sincerely,


Jorge D. Ayala
Acting Regional Director

Enclosures

GRANT COOPERATIVE AGREEMENT

FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER
08-01-05082

RECIPIENT NAME
City of Prairie View

PERIOD OF PERFORMANCE
From Date of Approval to 60 Months

STREET ADDRESS
44500 U.S. Business Hwy 290

FEDERAL SHARE OF COST
\$ 1,046,000

CITY, STATE, ZIP CODE
Prairie View, TX 77446

RECIPIENT SHARE OF COST
\$ 400,475

AUTHORITY
PWEDA of 1965, as amended (42 U.S.C. § 3121 et. seq.)

TOTAL ESTIMATED COST
\$ 1,446,475

CFDA NO. AND NAME
11.300, Public Works Assistance - Title II, Section 201

PROJECT TITLE
Muse Parkway and Old Houston Hwy Infrastructure Development Project

This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.

- DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS (DECEMBER 2014)
- R & D AWARD
- FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE
- SPECIAL AWARD CONDITIONS
- LINE ITEM BUDGET
- 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101
- 48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES
- MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIAL AWARD CONDITION.
- OTHER(S): EDA Standard Terms and Conditions for Construction Grants (March 12, 2013)

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

DATE
09/22/15

Jorge D. Ayala, Acting Regional Director
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL
Frank D. Jackson
The Honorable Frank D. Jackson, Mayor

DATE
9/29/2015

Attest:
Jamie Sullivan, City Secretary

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

SPECIAL AWARD CONDITIONS

CONSTRUCTION PROJECTS

Public Works Assistance
under Section 201 of the
Public Works and Economic Development Act of 1965, as amended

Project Title:

Muse Parkway and Old Houston Hwy Infrastructure Development Project

Recipient Name:

CITY OF PRAIRIE VIEW, TEXAS

Project Number:

08-01-05082

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

Authorized Representative

The Honorable Frank D. Jackson
Mayor
Phone: (936) 857-3711

44500 U.S. Business Hwy 290
Prairie View, TX 77446-0817
Email: fjackson@prairieviewtexas.gov

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

Jorge D. Ayala
Acting Regional Director
Austin Regional Office
(512) 381-8144

U.S. Department of Commerce
Economic Development Administration
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701-2450

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

Matthew P. Giannini
Area Director
P: (512) 381-8171
F: (512) 499-0478
Email: mgiannini@eda.gov

U.S. Department of Commerce
Economic Development Administration
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701-2450

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

Travis Barbier, Civil Engineer and
Area Environmental Officer
P: (512) 381-8140
F: (512) 499-0478
Email: tbarbier@eda.gov

U.S. Department of Commerce
Economic Development Administration
903 San Jacinto Blvd., Suite 206
Austin, Texas 78701-2450

5. PROJECT DESCRIPTION /AUTHORIZED SCOPE OF WORK:

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

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

The EDA funds will be used for the Muse Parkway and Old Houston Highway Infrastructure Development Project. The financial assistance will allow the city of Prairie View to construct water and sewer lines and appurtenances that will accommodate a committed beneficiary, Tomball Forest. This company will create approximately 50 new jobs within a three to five year period, while retaining 100 jobs and investing \$5 million in capital improvements.

More specifically, the scope of work includes the following components:

- A new water system approximately twelve thousand eight hundred linear feet (12,800 LF) of ten-inch (10") PVC (C-900) water main lines, fifteen (15) fire hydrants, and appurtenances.
- A duplex sanitary sewer lift station, approximately five thousand seven hundred linear feet (5,700 LF) of eight-inch (8") PVC force main lines, three thousand seven hundred linear feet (3,700 LF) of ten-inch (10") PVC sewer main lines, four (4) manholes, and appurtenances.
- Trenching for the installation of water/sewer lines.

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

Return of Signed CD-450 Financial Assistance Award	30 calendar days after receipt
Start of Construction	24 Months from Date of Award
Construction Completed	36 Months from Date of Award
Authorized Award End Date	60 Months from Date of Award

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

The Recipient shall diligently pursue the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify EDA in writing of any event that could substantially delay meeting any of the proscribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA's taking action to terminate the Award in accordance with the regulations set forth at 2 C.F.R. § 200.339.

7. ALLOWABLE COSTS AND AUTHORIZED BUDGET: Total allowable costs will be determined at the conclusion of the award period in accordance with 2 C.F.R. Part 200, after Final Financial Documents are submitted.

Except as otherwise expressly provided for within these Special Award Conditions, the Investment Rate for the award (see 13 C.F.R. §§ 300.3 and 301.4) shall apply to allowable costs incurred by the Recipient in connection with the project. The Federal share in the allowable costs shall be based upon the Investment Rate (see 15 C.F.R. § 14.2(s)). In the event of an under run in total allowable costs for this project, the Federal share of allowable costs shall be determined by the

Investment Rate established in the Form CD-450, or previously executed Form CD-451. The Federal share of total allowable costs shall not exceed the dollar amount of the original Award and subsequent amendments, if any, absent a determination by the Assistant Secretary (see 13 C.F.R § 308.1).

Line Item Budget:

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

Federal Cash Contribution	\$1,046,000	(72.31%)
<u>Non-Federal Cash Contribution</u>	<u>\$ 400,475</u>	<u>(27.69%)</u>
Total Project Costs	\$1,446,475	(100.00%)

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

Line Items	Proposed	Approved
Administrative & Legal Expenses	\$ 60,000.00	\$ 1,000.00
Land, Structure, ROW	10,500.00	0.00
Relocation Expenses and Payments	0.00	0.00
Architectural & Engineering Fees	84,928.00	98,081.00
Other Architectural & Engineering Fees	0.00	15,700.00
Project Inspection Fees	0.00	22,906.00
Site Work	0.00	0.00
Demolition and Removal	0.00	0.00
Construction	999,150.00	1,145,300.00
Equipment	0.00	0.00
Miscellaneous	0.00	0.00
Contingencies	45,422.00	163,488.00
TOTAL PROJECT COSTS	\$1,200,000.00	\$1,446,475.00

Remarks

- Administrative and Legal Fees reduced to \$1,000.00
- Land, Structure, ROW, etc. costs associated with surveying and permits, moved to Other A/E Fees
- A/E Fees increased based on estimates from the Engineering Report
- Included Project Inspection based on estimates from the Engineering Report
- Construction increased based on estimates from the Engineering Report

8. **MATCHING SHARE:** The Recipient agrees to provide the Recipient's non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses. (See 13 C.F.R. § 300.3) The Recipient also certifies that, in accepting the Financial Assistance Award, the Recipient's Matching Share of the project costs is committed and unencumbered, from authorized sources, and shall be available as needed for the project. The award requires \$400,475 in matching funds which are authorized from the City's 2011 Bond Proceeds.

9. **CONSTRUCTION COMPLETION:** In keeping with prudent grants management policy, EDA construction projects must be completed within five (5) years from the date the Form CD-450 is signed by the Recipient accepting the Award. If construction is not completed by this date and the Grants Officer determines, after consultation with the Grant Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously, the grant may be

terminated. Extensions beyond the five year project period are exceedingly rare and can only be authorized by the Assistant Secretary. Nothing in this paragraph is intended to alter the Project Development Time Schedule set forth in provision 6 above.

10. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with Regulations at 2 C.F.R. §§ 200.317-200.326, as applicable.
11. **USEFUL LIFE:** The useful life of this project is hereby determined to be 20 years from the date of Award.
12. **EVIDENCE OF GOOD TITLE:** In accordance with Section L of the U.S. Department of Commerce Standard Terms and Conditions, prior to the initial disbursement of funds by EDA, the Recipient shall provide opinion of counsel, satisfactory to the Government, that the Recipient has acquired good and marketable title to land, free of all encumbrances, as well as rights-of-way, and easements necessary for the completion of the project, or of a long-term leasehold interest in accordance with 13 C.F.R. § 314.
13. **GRANT ADMINISTRATION PLAN:** Within sixty (60) days of accepting the EDA Financial Assistance Award, the Recipient shall provide to the Regional Office a Grant Administration Plan which outlines how the Recipient will administer the EDA Award. The Plan must include the following information.
 - a. Names, addresses, phone and facsimile numbers and email addresses for all personnel responsible for all activities pertaining to the EDA Award. These activities include, but are not limited to, compliance with grant conditions, processing payment requests to EDA, engineering activities such as design, inspection, and legal services.
 - b. Proposed detailed project implementation schedule. The schedule shall contain as a minimum, the following milestones:
 - Request for Proposals for Engineering Services
 - Award of Engineering Contract
 - Start of Design Activities
 - Completion of Final Plans and Specifications
 - Date all Permits will be obtained
 - Advertisement for Bids
 - Bid Opening
 - Construction Contract Award
 - Pre-Construction Conference
 - Issuance of Notice-to-Proceed
 - Substantial Completion Date
 - Final Completion Date/Acceptance by Owner
 - c. Project Financial Plan: EDA funds will not be disbursed until all special award terms and conditions to the EDA Award are satisfied and all construction contracts are awarded. The plan must address how expenses will be paid prior to the disbursement of funds by EDA. The plan should explain who will be responsible for preparing payments requests to EDA.
14. **GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth in 41 C.F.R. § 60-4 establishes goals and timetables for participation of

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

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

Goals for minority participation shall be as prescribed by Appendix B-80, Federal Register, Volume 45, No. 194, October 3, 1980, or subsequent publications. The Recipient shall include the "*Standard Federal Equal Employment Opportunity Construction Contract Specifications*" (or cause them to be included, if appropriate) in all Federally-assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6. The minority participation goal for this project is 27.3%.

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

- The first one is Pay.Gov. This option allows the payee to pay EDA through the Internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.
- The second option is Paper Check conversion. All checks must identify on their face the name of the DOC agency funding the award, award number, and no more than a two-word description to identify the reason for the refund or check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA's Accounting Office, who processes EDA's accounting functions at the following address:

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

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

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

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

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

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

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

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

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

18. **PROPERTY MANAGEMENT STANDARDS:** The Recipient shall be responsible to ensure that the real property acquired or improved by this Award as an industrial park is used only for the authorized and specific purpose of an industrial park, and that the sell, lease, or conveyance parcels of the improved property within the park shall serve that purpose of the Award in accordance its terms and conditions and with 13 C.F.R. Part 314.

As the authorized purpose of the project is to construct facilities that will benefit and serve privately owned industrial or commercial parks or sites for sale or lease, such ownership, sale or

lease is permitted so long as EDA requirements continue to be met. Prior to the first disbursement of funds under the Award, EDA requires evidence that the private party has good marketable title to the park or site and conditions the award of project assistance upon a binding, enforceable agreement by the private party with the Recipient relating to the sale or lease of parcels in the industrial or commercial park that EDA determines are necessary to assure consistency with the project purpose.

19. **PLANS AND SPECIFICATIONS:** Recipient agrees to and shall cause the following to be placed in the project plans and specifications: "If Archeological Materials are encountered during construction, the procedures codified at 33 C.F.R. 800.13(b) will apply and the Recipient shall immediately stop construction in the area and contact EDA [Phone (512) 381-8144] and the Texas Historic Commission [Phone (512) 463-6100]. Archeological Materials consist of any items, fifty years or older which were made or used by man. These items include, but are not limited to, chipped stone tools, pottery, bone, historic crockery, glass, metal items or building materials."
20. **U.S. FISH AND WILDLIFE SERVICE (FWS):** Prior to the advertisement of the construction bid(s), the Recipient shall provide evidence satisfactory to the EDA that: 1) consultations under the Endangered Species Act/Migratory Bird Treaty Act/Marine Mammal Protection Act have been concluded with the FWS; and 2) all recommendations resulting from the consultations have been incorporated into the construction plans and specifications.
21. **U.S. ARMY CORPS OF ENGINEERS PERMITTING CLEARANCE:** Prior to advertisement for bids, the Recipient shall provide a copy of a valid Section 404 permit from the US Army Corps of Engineers (USACE) and satisfactory evidence that any mitigation set forth by the permit has been completed. If no Section 404 permit is required, the Recipient shall provide written verification from USACE that no Section 404 permit is required.

**ECONOMIC DEVELOPMENT ADMINISTRATION
PLANS & SPECIFICATIONS CHECKLIST**

- Prior to bid advertisement, the plans and specifications must be submitted and approved by the EDA Project Engineer. It will expedite the EDA Project Engineer's review of the proposed bid package if the A/E completes the plans & specifications checklist, along with the documents listed below, and submits them in one package.
- When submitting the documents, please include the corresponding cover letter for EDA's acceptance.
 - **Documents to Submit to EDA Prior to Advertisement**
 - Hard copies or electronic versions of plans & specs are acceptable (Technical specs, final drawings, summary of scheduled quantities).
 - Plans & Specifications Checklist
 - Cover Letter for plans & specs
 - Site Certificate (see Project Site, ROW, and Easements)
 - Cover Letter for Site Certificate

**ECONOMIC DEVELOPMENT ADMINISTRATION
PLANS & SPECIFICATIONS REVIEW CHECKLIST**

EDA Award Number: _____ Date: _____

Recipient: _____

Recipient's Architect/Engineer: _____

Name & Phone Number

	YES	NO	N/A
1. Is the EDA award number on the face sheet of both the plans and specifications?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The contract stipulates the # of calendar days allowed for completing work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The liquidated damage provision is included in the contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are additive or deductive alternates are used in this contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. If yes, is the order in which alternates are to be taken specified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Have materials and/or equipment been limited to a particular manufacturer or brand name?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. If yes, has this been approved by EDA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Are Workman's Compensation Ins. and Public Liability Ins. required to be maintained by the contractor and all subcontractors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. For contracts over \$100,000, is a 5% bid bond and 100% performance bond and payment bond required? <i>(NOTE: Surety companies must be listed on circular 570).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Are the following items are included in the bid package:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Current prevailing Davis-Bacon wage rate determination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. "EDA Contracting Provisions for Construction Projects"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. EDA "Notice of Requirements for Affirmative Action"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Lobbying Restriction Forms (Required for all contracts in which Federal funds exceed \$100,000)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature (Prepared By)

Date

ECONOMIC DEVELOPMENT ADMINISTRATION
CERTIFICATE AS TO PROJECT SITE, RIGHTS-OF-WAY, AND EASEMENTS
Part One
Certificate of Engineer

I, the undersigned Engineer, certify that I am familiar with the design of the

_____ *(Name or Type of Facility)*

being constructed by _____ *(Name of Owner)*

as part of EDA Award Number _____ and that all of such facilities will be constructed wholly within the land, leasehold interest and rights-of-way and/or existing public streets and roads described below. I further certify that the land, leasehold interest, and rights-of-way being purchased as hereinafter described are sufficient, but not in excess of actual needs for the Project as planned and approved by the Owner.

1. The Owner holds or will hold fee title or a long-term leasehold interest on the following property. (Aboveground Project elements should be constructed on land to which the Owner possesses fee simple title. Describe each tract, whether presently owned or to be acquired, and indicate what Project element is to be constructed on each (i.e., tank site, pumping station, treatment plant, etc.). If more space is needed please attach additional documentation and label each additional page "Exhibit 1A").

2. The following easements and rights-of-way will be required for this Project. (Describe each easement and/or right-of-way, whether presently owned or to be acquired, by name of current owner and by metes and bounds, including the area in acreage. If more space is needed, please attach additional documentation and label each additional page "Exhibit 1B").

3. The following state, railroad, highway, or other permit(s) will be required. (Describe the location for which any permit will be needed and the name of the permitting entity. If more space is needed, please attach additional documentation and label each additional page "Exhibit 1C").

WITNESS MY HAND, this the _____ day of _____, 20 _____.

Registered Professional Engineer

Address

City

State

Telephone

(This "Certificate of Engineer" is to be completed by the Owner's Architect/Engineer and forwarded to the Owner's Attorney).

Part Two
Title Opinion

I, _____, Attorney-at-Law, representing
_____ (hereinafter the "Owner") do hereby certify that:

1. I have examined the public records of _____ County,
State of _____ from the period of _____,
to _____, 20____ (which period of time should be at least 40 years).

Based upon said examination, I find and am of the opinion that _____

_____ is vested with marketable, fee simple title to the land referenced in Part One hereof as being required in fee, subject only to the following liens, encumbrances, and objections. (If additional space is needed, please attach additional documentation and mark each page "Exhibit 2A." If there are no encumbrances on the Owner's fee simple title, please write "None").

Any encumbrances or objections to the fee simple title listed above will not, in my opinion, restrict or interfere with the contemplated construction, use or purpose of the aforesaid EDA Project.

2. This is to further certify that: (i) all long-term leases needed for the Project as described in Part One above have been acquired by the Owner; and (ii) all easements or rights-of-way needed for the Project as described in Part One above have been entered into by the Owner. In addition, I have examined the instruments creating the long-term leases, easements, and/or rights-of-way described in Part One; and it is my opinion that said instruments are valid as to form and substance for the purposes intended and provide the Owner with sufficient interest to construct and maintain the Project facilities.

I certify that I have examined the public records to ascertain that said easements and/or rights-of-way have been obtained from the record owner(s).

3. The extent of said title examination and/or public record search is sufficient for the purpose of establishing the validity of the title to said property and for the purpose of determining outstanding restrictions, liens, encumbrances, and ownership interests pertaining thereto.

4. All permits required for the Project as described in Part One above have been obtained. I have examined all of said permits and am of the further opinion that said permits are valid as to form and substance for the purposes intended.

5. Remarks and Explanations. (If additional space is needed, please attach additional documentation and mark each page "Exhibit 2B").

WITNESS MY HAND, this the _____ day of _____, 20 _____.

Attorney

Address

City

State

Telephone

- ◆ It is the sole responsibility of the Recipient of the EDA Award to provide a legal opinion verifying that the Recipient has good title to all property required for completion of the Project as defined by the grant award.
- ◆ A long term leasehold interest is acceptable only if held by the Recipient of the EDA Award for a period not less than the estimated useful life of the Project and only if lease provisions adequately safeguard EDA's interest in the Project.
- ◆ Only legal descriptions of the property described herein should be attached to this form.
- ◆ If this title opinion is based on a title insurance policy, any exceptions listed on the policy should be explained and resolved in #5 above.
- ◆ EDA relies on this title opinion and does not make independent findings regarding title to the property described herein.

Part Three
Owner's Certification Regarding Eminent Domain

I, the undersigned _____
(Insert Title)

of the Owner, referenced in Part One above, do hereby certify and confirm that:

1. The Owner will not use any available power of eminent domain (including the commencement of eminent domain proceedings) for the purpose of advancing the economic interests of private parties in connection with any property comprising the Project.

2. To the best of my knowledge and belief, prior to the Effective Date of this Certification, the Owner has not exercised any available power of eminent domain (including the commencement of eminent domain proceedings) for the purpose of advancing the economic interests of private parties in connection with any property comprising the Project.

3. The Owner was or will be required to properly use an available power of eminent domain in connection with the following aspects of the Project. (If more space is needed, please attach additional documentation describing the location and purpose of the Owner's proper use of eminent domain as an attachment and label each additional page "Exhibit 3A". If the use of eminent domain is not anticipated, please mark this section "N/A").

4. If an available power of eminent domain may be used in connection with the Project, the Owner will immediately contact the EDA regional office.

5. I am authorized on behalf of the Applicant to make this Certification which is binding on the Applicant.

WITNESS MY HAND, this the _____ day of _____, 20 _____.

Name

Address

City State

Telephone

**ECONOMIC DEVELOPMENT ADMINISTRATION
 BID OPENING CHECKLIST**

EDA Award Number: _____ Date: _____

Recipient: _____

Recipient's Authorized Representative: _____
 Name & Phone Number

- | | YES | NO | N/A |
|--|--------------------------|--------------------------|--------------------------|
| 1. Were certified minutes of bid opening taken? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. (If no) Enclosed is a statement to the effect that sealed bids were submitted/opened in the presence of grantee's representative. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The following documents are enclosed for EDA's review: | | | |
| a. Affidavits of Publications | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Tabulation of bids | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Proposal of recommended contractor | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Justification of award if other than low bidder | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Copy of recommended contractor's bid bond | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Architect/Engineer's recommendation of award | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the recommended contractor appear on the list of debarred contractors? www.epls.gov | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If an overrun has occurred, evidence is provided to EDA that Recipients' funds are available (including source & date of availability). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The grantee acknowledges that funds or interim construction loans are available and verifies that the contractor(s) will be paid until EDA funds are available for reimbursement of incurred costs. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Prepared By (Signature) _____

Date _____



ECONOMIC DEVELOPMENT ADMINISTRATION
QUARTERLY PERFORMANCE REPORT

EDA Project No. Report No. Date
Covering Period from Thru
Grantee
Grantee's Authorized Representative Name & Title
Grantee's Architect/Engineer Name & Phone Number

CURRENT PROJECT STATUS:

- I. YES NO Is the Grantee's share of expected project costs on hand and immediately available?
II. YES NO Have all land, rights-of-way, and easements necessary for the project been acquired?
III. YES NO Are any problems expected in meeting any of the Special Award Conditions to the EDA grant award?

A. DESIGN:

- Date Architect/Engineer Agreement Executed
1. Has design started? YES NO Design start date Expected start date
2. Is design complete? YES NO P & S approved by EDA? YES NO Expected completion date Percent complete On schedule? YES NO (Narrative)

B. AWARD:

- 3. First advertisement for bids date
4. Bid opening date
5. Contract Award date
6. Notice to Proceed issued
7. Preconstruction Conference date

C. CONSTRUCTION:

- 8. Has construction started? YES NO Start date Expected start date
9. Is construction complete? YES NO Completion date Expected completion date Percent complete On schedule? YES NO (Narrative)
10. EDA's original estimated start date is
11. EDS's original estimated completion date is

D. NARRATIVE SECTION (PROBLEMS/DELAYS):

(if more space is required, attach a separate sheet)

E. CORRECTIVE MEASURES BEING TAKEN:

(if more space is required, attach a separate sheet)

Quarterly Performance Report Prepared By:

Signature

Typed Name and Title

**ECONOMIC DEVELOPMENT ADMINISTRATION
FINANCING**

- Once all contracts have been awarded, a budget revision may be in order. The Recipient should submit to the Regional Office Project Engineer a summary of the project budget, including an updated list of funding sources.
 - ✓ If the new budget reflects a potential underrun, the excess funds should be moved to the contingency line item to cover potential costs and/or change orders.
 - ✓ If there will be a cost overrun, the recipient must attach a list of funding sources that have been secured to cover the excess costs.
- Prior to the initial release of EDA funds, all Special Award Conditions required prior to initial disbursement must have been satisfied and accepted by the EDA Regional Office. An initial disbursement checklist is provided for the Recipient to help ensure all requirements have been met.
- Each pay request requires an original (signed) Standard Form 271 (SF-271) *Outlay Report and Request For Reimbursement For Construction Programs*.
- The EDA spreadsheet provided is a useful tool to manage the project budget, keep track of each pay request, and is a great aide in filling out the SF-271.
- Pay requests will continue to be processed until 90% of EDA funds have been disbursed. Once all closeout documents have been received, the remaining 10% of EDA funds can then be requested.
- When submitting each pay request, please include the corresponding cover letter documenting EDA's approval.
 - **Pay Requests**
 - Updated list of funding sources (Recipient's format).
 - EDA Checklist for Initial Disbursement
 - ACH Vendor Form (SF 3881) (submit only once)
 - SF-271
 - EDA Spreadsheet
 - Cover Letter for Pay Requests

ECONOMIC DEVELOPMENT ADMINISTRATION CHECKLIST FOR INITIAL DISBURSEMENT

EDA Award Number: 08-01-05082 Date: _____

Recipient: City of Prairie View

Recipient's Authorized Representative: _____
(Name & Phone Number)

Y N N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The Special Award Conditions requiring action prior to initial disbursement have been satisfied, including all environmental requirements/clearances; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Current quarterly performance reports have been submitted to and accepted by EDA, including the latest year-end financial status report; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The contract for project administration has been reviewed and accepted by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The Architect/Engineer contract has been reviewed/accepted by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All required land, easements, and rights-of-way have been secured and the Site Certificate or other title opinion has been approved by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The first lien or covenant has been executed, recorded, and submitted to and accepted by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Davis-Bacon wage rates (Federal wage rates) are incorporated into all construction contracts; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The "EDA Contracting Provisions for Construction Projects" have been incorporated into all construction contracts; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed bid documents, including final plans, specs, and contract documents, have been submitted to and accepted by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Bid opening documents, including bid tabs and certified minutes of the bid opening have been accepted by EDA. This includes written justification from the Recipient if the Award has been made to other than the lowest bidder. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The name of all contractors have been checked against the Federal list of debarred and ineligible list of contractors (this includes the firm name and firm owner's name); |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The surety company listed for the low bidder is included on Treasury Dept. Circular 570 and possesses sufficient capability to insure the project; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All contracts required for completion of the project have been executed by the Recipient and accepted by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If the answer to the previous question is "N", a request for phasing has been made to and accepted by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Matching funds for the Recipient's share are on hand or immediately available; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All work accomplished by change order that is part of the claim for initial disbursement has been approved by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All proposed or actual changes to the EDA-approved budget have been approved by EDA; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A photo of the EDA project sign has been submitted to EDA. |

Prepared By (Signature) _____

Date _____

**ACH VENDOR/MISCELLANEOUS PAYMENT
ENROLLMENT FORM**

OMB No. 1510-0056

This form is used for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion. See reverse for additional instructions.

PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

AGENCY INFORMATION

FEDERAL PROGRAM AGENCY		
U.S. DEPARTMENT OF COMMERCE/ECONOMIC DEVELOPMENT ADMINISTRATION-Austin Regional Office		
AGENCY IDENTIFIER: 08-	AGENCY LOCATION CODE (ALC):	ACH FORMAT: <input type="checkbox"/> CCD+ <input type="checkbox"/> CTX
ADDRESS: 903 San Jacinto Blvd., Suite 206		
Austin, Texas 78701		
CONTACT PERSON NAME: Travis Barbier, Project Engineer		TELEPHONE NUMBER: (512) 420-7403
ADDITIONAL INFORMATION: Austin Regional Office Fax Number		

PAYEE/COMPANY INFORMATION

NAME	SSN NO. OR TAXPAYER ID NO.
ADDRESS	
CONTACT PERSON NAME:	TELEPHONE NUMBER: ()

FINANCIAL INSTITUTION INFORMATION

NAME:	
ADDRESS:	
ACH COORDINATOR NAME:	TELEPHONE NUMBER: ()
NINE-DIGIT ROUTING TRANSIT NUMBER: _ _ _ _ _	
DEPOSITOR ACCOUNT TITLE:	
DEPOSITOR ACCOUNT NUMBER:	LOCKBOX NUMBER:
TYPE OF ACCOUNT: <input type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS <input type="checkbox"/> LOCKBOX	
SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL: (Could be the same as ACH Coordinator)	TELEPHONE NUMBER: ()

Instructions for Completing SF 3881 Form

Make three copies of form after completing. Copy 1 is the Agency Copy; copy 2 is the Payee/Company Copy; and copy 3 is the Financial Institution Copy.

1. Agency Information Section - Federal agency prints or types the name and address of the Federal program agency originating the vendor/miscellaneous payment, agency identifier, agency location code, contact person name and telephone number of the agency. Also, the appropriate box for ACH format is checked.
2. Payee/Company Information Section - Payee prints or types the name of the payee/company and address that will receive ACH vendor/miscellaneous payments, social security or taxpayer ID number, and contact person name and telephone number of the payee/company. Payee also verifies depositor account number, account title, and type of account entered by your financial institution in the Financial Institution Information Section.
3. Financial Institution Information Section - Financial institution prints or types the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Also, the box for type of account is checked, and the signature, title, and telephone number of the appropriate financial institution official are included.

Burden Estimate Statement

The estimated average burden associated with this collection of information is 15 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Branch, Room B-101, 3700 East West Highway, Hyattsville, MD 20782 and the Office of Management and Budget, Paperwork Reduction Project (1510-0056), Washington, DC 20503.

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS		OMB APPROVAL NO. 0348-0002		PAGE OF PAGES				
(See instructions on back)		1. TYPE OF REQUEST <input type="checkbox"/> FINAL <input checked="" type="checkbox"/> PARTIAL		2. BASIS OF REQUEST <input type="checkbox"/> CASH <input checked="" type="checkbox"/> ACCRUAL				
		3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY				
5. PARTIAL PAYMENT REQUEST NO.		6. PERIOD COVERED BY THIS REQUEST						
6. EMPLOYER IDENTIFICATION NUMBER		7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER		FROM (Month, day, year) TO (Month, day, year)				
9. RECIPIENT ORGANIZATION Name: No. and Street: City, State and ZIP Code:			10. PAYEE (Where check is to be sent if different than item 9) Name: No. and Street: City, State and ZIP Code:					
11. STATUS OF FUNDS								
CLASSIFICATION	PROGRAMS --		FUNCTIONS --		ACTIVITIES	TOTAL Expenditures To Date		
	(a) Budget Approved per Grant Offer or as Amended	(b) Latest Revised Budget	(c) Expenditures This Period					
a. Administrative expense	\$	\$	\$			\$		
b. Preliminary expense								
c. Land, structures, right-of-way								
d. Architectural engineering basic fees								
e. Other architectural engineering fee								
f. Project inspection fees								
g. Land development								
h. Relocation expense								
i. Relocation payments to individuals and businesses								
j. Demolition and removal								
k. Construction and project improvement cost								
l. Equipment								
m. Miscellaneous cost								
n. Total cumulative to date (sum of lines a thru m)	0.00	0.00	0.00			0.00		
o. Deductions for program income								
p. Net cumulative to date (line n minus line o)	0.00	0.00	0.00			0.00		
q. Federal share to date								
r. Rehabilitation grants (100% reimbursement)								
s. Total Federal share (sum of lines q and r)	0.00	0.00	0.00			0.00		
t. Federal payments previously requested								
u. Amount requested for reimbursement	\$	\$	\$			\$		
v. Percentage of physical completion of project		%	%			%		
12. CERTIFICATION I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.		a. RECIPIENT		SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		DATE REPORT SUBMITTED		
				TYPED OR PRINTED NAME AND TITLE		TELEPHONE (Area code, number, and extension)		
		b. REPRESENTATIVE CERTIFYING TO LINE 11V				SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		DATE SIGNED
						TYPED OR PRINTED NAME AND TITLE		TELEPHONE (Area code, number, and extension)

INSTRUCTIONS

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Please type or print legibly. Items 3, 4, 5, 8, 9, 10, 11s and 11v are self explanatory; specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
1	Mark the appropriate box. If the request is final, the amounts billed should represent the final cost of the project.	11j	Enter gross salaries and wages of employees of the recipient and payments to third party contractors directly engaged in performing demolition or removal of structures from developed land. All proceeds from the sale of salvage or the removal of structures should be credited to this account; thereby reflecting net amounts if required by the Federal agency.
2	Show whether amounts are computed on an accrued expenditure or cash disbursement basis.	11k	Enter those amounts associated with the actual construction of, addition to, or restoration of a facility. Also, include in this category, the amounts for project improvements such as sewers, streets, landscaping, and lighting.
6	Enter the Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service or FICE (institution) code if requested by the Federal agency.	11l	Enter amounts for all equipment, both fixed and movable, exclusive of equipment used for construction. For example, permanently attached laboratory tables, built-in audio visual systems, movable desks, chairs, and laboratory equipment.
7	This space is reserved for an account number or other identifying number that may be assigned by the recipient.	11m	Enter the amounts of all items not specifically mentioned above.
11	The purpose of vertical columns (a) through (c) is to provide space for separate cost breakdowns when a large project has been planned and budgeted by program, function or activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page. All amounts are reported on a cumulative basis.	11n	Enter the total cumulative amount to date which should be the sum of lines a through m.
11a	Enter amounts expended for such items as travel, legal fees, rental of vehicles and any other administrative expenses. Include the amount of interest expense when authorized by program legislation. Also show the amount of interest expense on a separate sheet.	11o	Enter the total amount of program income applied to the grant or contract agreement except income included on line j. Identify on a separate sheet of paper the sources and types of the income.
11b	Enter amounts pertaining to the work of locating and designing, making surveys and maps, sinking test holes, and all other work required prior to actual construction.	11p	Enter the net cumulative amount to date which should be the amount shown on line n minus the amount on line o.
11c	Enter all amounts directly associated with the acquisition of land, existing structures and related right-of-way.	11q	Enter the Federal share of the amount shown on line p.
11d	Enter basic fees for services of architectural engineers.	11r	Enter the amount of rehabilitation grant payments made to individuals when program legislation provides 100 percent payment by the Federal agency.
11e	Enter other architectural engineering services. Do not include any amounts shown on line d.	11t	Enter the total amount of Federal payments previously requested, if this form is used for requesting reimbursement.
11f	Enter inspection and audit fees of construction and related programs.	11u	Enter the amount now being requested for reimbursement. This amount should be the difference between the amounts shown on lines s and t. If different, explain on a separate sheet.
11g	Enter all amounts associated with the development of land where the primary purpose of the grant is land improvement. The amount pertaining to land development normally associated with major construction should be excluded from this category and entered on line k.	12a	To be completed by the official recipient official who is responsible for the operation of the program. The date should be the actual date the form is submitted to the Federal agency.
11h	Enter the dollar amounts used to provide relocation advisory assistance and net costs of replacement housing (last resort). Do not include amounts needed for relocation administrative expenses; these amounts should be included in amounts shown on line a.	12b	To be completed by the official representative who is certifying to the percent of project completion as provided for in the terms of the grant or agreement.
11i	Enter the amount of relocation payments made by the recipient to displaced persons, farms, business concerns, and nonprofit organizations.		

**ECONOMIC DEVELOPMENT ADMINISTRATION
A/E CONTRACTS**

- The executed contract between the recipient and the Architect/Engineer (A/E) must be submitted and approved by the EDA Project Engineer prior to initial disbursement.
 - The fee for basic services must be either a fixed price or a cost reimbursement with an agreed maximum to be eligible for EDA participation. The use of the cost-plus-a-percentage-of-cost and percentage of construction cost forms of compensation are specifically prohibited.
 - The checklist for A/E contracts provided below is not mandatory but will expedite EDA's review of the contract and is highly recommended.
 - When submitting the executed contract, please include the corresponding cover letter documenting EDA's acceptance.
- **A/E Contracts**
 - Contract executed between the Investment Recipient and the Architect/Engineer.
 - Checklist for A/E Contracts
 - Cover Letter for A/E Contracts

**ECONOMIC DEVELOPMENT ADMINISTRATION
CHECKLIST FOR ARCHITECT/ENGINEER CONTRACTS**

EDA Award Number: _____ Date: _____

Recipient: _____

Recipient's Authorized Representative: _____
Name & Phone Number

Y N N/A

The Recipient has written procurement procedures with which the Architect/Engineer (A/E) contract has been found to be in compliance.

The A/E was selected competitively by sealed bids (formal advertising) or by competitive proposals. If not, attach an explanation of the selection method and the reason(s) for using that method.

Requests for proposals were publicized and all evaluation factors and their relative importance were identified therein. Any response to publicized requests for proposals was honored to the maximum extent practical.

Proposals were solicited from an adequate number of qualified sources (normally it is sufficient to secure at least three proposals from qualified sources). If less than 3 qualified proposals were secured, attach an explanation to this document.

The Recipient has a method for conducting technical evaluations of proposals received and for selecting the best proposal, price and other factors considered.

The Recipient determined the responsible firm whose proposal was most advantageous to the program, with price and other factors considered. Competitor's qualifications were evaluated and the most qualified competitor was selected, subject to negotiation of fair and reasonable compensation.

The A/E agreement provides for all services required by the Recipient for the planning, design and construction phase of the proposed project. Appropriate standards or guides developed by such professional organizations as the American Consulting Engineers Council (ACEC), American Society of Civil Engineers (ASCE), National Society of Professional Engineers (NSPE), and/or the American Institute of Architects (AIA) may be used where the Recipient does not have standard procurement documents.

The A/E's fee for basic services is either a fixed price or a cost reimbursement with an agreed maximum. (The amount of EDA participation will be based on a determination, subject to audit, that the fee compensation is reasonable).

Y N N/A

The A/E contract compensation is not based on the use of the cost-plus-a-percentage-of-cost or percentage of construction cost form of compensation. (These forms of compensation are not eligible for EDA participation).

The A/E's fee covers all services necessary for the successful execution of the project, including consultations, surveys, soil investigations, supervision, "as-built" drawings, arrow diagram (CPM/PERT, for example) where applicable, and incidental costs.

The basic fee does not exceed that prevailing for comparable services in the project area. If the total fee is in excess of the prevailing rate because of special services to be performed, these services are identified in the agreement. Such additional charges may be approved for grant participation by the EDA if they:

- a. Do not duplicate charges for services provided for in the basic fee;
- b. Are a proper charge against the project cost; and
- c. Are reasonable for the extra services to be rendered.

Regardless of who furnishes the construction inspector, the agreement requires the A/E to make sufficient visits to the project site to determine, in general, if the work is proceeding in accordance with the construction contract.

If the A/E contract(s) price exceeds \$100,000 (awarded under small purchase procedures), it includes a provision to the effect that the Recipient, EDA, the Comptroller General of the United States, the Inspector General of the Department of Commerce, or any of their duly authorized representatives, shall have access to any documents, books, papers, and records of the A/E (which are directly pertinent to a specific grant program) for the purpose of making an audit, examination, excerpts, and transcriptions. The Recipient shall require the A/E to maintain all required records for at least three years after the Recipient makes final payment and all pending matters are closed.

State a specific timetable in the A/E agreement for:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Completing preliminary plans and associated cost estimates;
2. Completing final plans, specifications, and cost estimates;
3. Securing required State and local approvals; and
4. Completing proposed contract documents sufficient for soliciting bids.

Provide surveillance of project construction to assure compliance with plans, specifications, and all other contract documents. If the Recipient chooses the A/E as the project inspector, the requirements for inspection services shall be clearly defined and the amount the Recipient is required to pay for such services shall be stated.

Y N N/A

- Be responsible for any damages arising from any defects in design or negligence in the performance of the construction inspector, if the inspector is furnished by the A/E. (EDA recommends that the A/E take insurance, when available, to cover liability for such damages.
- Supervise any required subsurface explorations such as borings, soil tests, and the like, to determine amounts of rock excavation or foundation conditions, no matter whether they are performed by the A/E or by others paid by the Recipient.
- Attend bid openings, prepare and submit tabulation of bids, and make a recommendation as to contract award.
- Review proof of bidder's qualifications and recommend approval or disapproval.
- Submit a report not less frequently than quarterly to the Recipient covering the general progress of the job and describing any problems or factors contributing to delay.

The company/firm name of the Architect/Engineer is:

The address of the A/E company/firm is:

If the Architect/Engineer will not be performing project inspection services, provide the name and address of the firm or person conducting project construction inspection services:

The contract price for basic A/E services is \$ _____

The contract price for other/extra A/E services is \$ _____

The contract price for inspection services is \$ _____

Prepared By (Signature)

Date

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of October 29, 2015

Title 2 → Subtitle A → Chapter II → Part 200 → Subpart D → Subject Group

Title 2: Grants and Agreements

PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Subpart D—Post Federal Award Requirements

PROCUREMENT STANDARDS

§200.317 Procurements by states.

When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with §200.322 Procurement of recovered *materials* and ensure that every purchase order or other contract includes any clauses required by section §200.326 Contract provisions. All other non-Federal entities, including subrecipients of a state, will follow §§200.318 General procurement standards through 200.326 Contract provisions.

§200.318 General procurement standards.

(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.213 Suspension and debarment.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014; 80 FR 43309, July 22, 2015]

§200.319 Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic

location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

§200.320 Methods of procurement to be followed.

The non-Federal entity must use one of the following methods of procurement.

(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

(i) A complete, adequate, and realistic specification or purchase description is available;

(ii) Two or more responsible bidders are willing and able to compete effectively for the business; and

(iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

(i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

(iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience

indicates that such discounts are usually taken advantage of; and

(v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(2) Proposals must be solicited from an adequate number of qualified sources;

(3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;

(4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(e) [Reserved]

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

(1) The item is available only from a single source;

(2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or

(4) After solicitation of a number of sources, competition is determined inadequate.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014; 80 FR 54409, Sept. 10, 2015]

§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

§200.322 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]

§200.323 Contract cost and price.

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§200.324 Federal awarding agency or pass-through entity review.

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;

(2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§200.325 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§200.326 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—
Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Need assistance?



CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Consent Agenda Item 8

To: Mayor and City Council

Agenda Subject:

Consider adoption of a Resolution authorizing the Mayor to Sign a Letter of Engagement with Erskine Payne, Certified Public Accountant, to conduct an audit for Fiscal Year-ended September 30, 2015

Background:

The City of Prairie View's fiscal year ends on September 30, 2015.

Local Government Code, Title 4. Finances, Subtitle A. Municipal Finances, Chapter 103. Audit of Municipal Finances.

Chapter 103. Audit of Municipal Finances stipulates that a municipality shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit.

Section 103.002. Auditor. A municipality whose records and accounts are not audited annually by a person prescribed by statute, by charter, or by a person in the regular employ of the municipality shall employ at its own expense a certified public accountant who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy to conduct the audit and to prepare the annual financial statement.

Section 103.003. Filing; Public Record. (a) The annual financial statement, including the auditor's opinion on the statement, shall be filed in the office of the municipal secretary or clerk 180 days after the last day of the municipality's fiscal year. (b) The financial statement is a public record.

In order to meet the timeframes promulgated by the statutes, the City has to engage a CPA to conduct an audit of the City's municipal finances. A letter of engagement was received by Mayor Jackson regarding the audit for the fiscal year ended September 30, 2015. A copy of the letter accompanies this communication.

This agenda item will allow the City Council to consider adopting a resolution authorizing the Mayor to sign a Letter of Engagement with Erskine Payne, Certified Public Accountant, to conduct an audit for the Fiscal Year-ended September 30, 2015.

LOCAL GOVERNMENT CODE

TITLE 4. FINANCES

SUBTITLE A. MUNICIPAL FINANCES

CHAPTER 103. AUDIT OF MUNICIPAL FINANCES

Sec. 103.001. ANNUAL AUDIT; FINANCIAL STATEMENT. (a) A municipality shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit.

(b) A municipality subject to Section [16.356](#), Water Code, must include in its financial statement a specific report on compliance with that section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 404, Sec. 1, eff. Sept. 1, 1999.

Sec. 103.002. AUDITOR. A municipality whose records and accounts are not audited annually by a person prescribed by statute, by charter, or by a person in the regular employ of the municipality shall employ at its own expense a certified public accountant who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy to conduct the audit and to prepare the annual financial statement.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 103.003. FILING; PUBLIC RECORD. (a) The annual financial statement, including the auditor's opinion on the statement, shall be filed in the office of the municipal secretary or clerk within 180 days after the last day of the municipality's fiscal year.

(b) The financial statement is a public record.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 862 (H.B. [1456](#)), Sec. 1, eff. June 15, 2007.

Sec. 103.004. VALUATION OF CERTAIN BENEFIT PROGRAMS. (a) A municipality that provides a continuing organized program of service retirement benefits, disability retirement benefits, or death benefits for any of its officers or employees must include in the annual financial statement a valuation of the financial assets and liabilities of the program as shown in the most recent

actuarial valuation of the program.

(b) This section does not apply to:

- (1) a program for which the only funding agency is a life insurance company;
- (2) a program providing only workers' compensation benefits; or
- (3) a program administered by the municipality as a member of the Texas Municipal Retirement System.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

ERSKINE PAYNE, CPA PLLC
Certified Public Accountant
10103 Fondren Rd., Suite 350, Houston, TX 77096
Phone 281-657-7402
Fax 832-582-3645

December 3, 2015

Mayor Frank Jackson
City of Prairie View, Texas
Prairie View, TX 77446

We are pleased to confirm our understanding of the services we are to provide for the City of Prairie View, TX for the period ended September 30, 2015.

We will audit the balance sheet of the City of Prairie View, TX as of September 30, 2015, and the related statement of revenues, expenditures, and changes in fund balance for the period then ended.

Audit Objective

The objective of our audit is the expression of an opinion about whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit will be conducted in accordance with auditing standards generally accepted in the United State of America and will include tests of your accounting records and other procedures we consider necessary to enable us to express such an opinion. If our opinion is other than unqualified, we will discuss the reasons with you in advance. If, for any reasons, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

Audit Procedures

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from the Organization's attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of the audit, we will require written representation from you about the financial statements and related matters.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Organization or to acts by management or employees acting on behalf of the Organization.

Because an audit is designed to provide reasonable, but not absolute, assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental

regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as an auditor is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our audit will include obtaining an understanding of the Organization and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to you and those charged with governance internal control related matters that are required to be communicated under professional standards.

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Management Responsibilities

You are responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee the tax services and any other nonattest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

You are responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statements of financial position, changes in net assets, and cash flows in conformity with U.S. generally accepted accounting principles. You are also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Organization involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Organization received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring the Organization complies with applicable laws and regulations and for taking timely and appropriate steps to remedy any fraud, illegal acts, or violation of contracts or grant agreements that we may report.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, and other confirmation we request and will locate any documents selected by us for testing.

Erskine D. Payne, CPA is the engagement partner and is responsible for supervising the engagement and signing the report. We expect to begin our audit on approximately January 6, 2016 and issue the report no later than March 14,

2016. Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

We estimate that our fees for these services will be \$16,000 for the audit. To secure our services, a retainer fee of \$8,000.00 should be paid after agreement is signed and the remainder of \$8,000.00 at the time of delivery of the report. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement.

Very truly yours,

Erskine D. Payne, CPA

RESPONSE:

This letter correctly sets forth the understanding of the City of Prairie View, Texas. .

Officer signature: _____

Title: _____

Date: _____



CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Regular Agenda Item 09

To: Mayor and City Council

Agenda Subject:

Discuss and consider action, if deemed appropriate, accepting the proposed City Park enhancement concepts for the Sandra Bland Memorial Park

Background:

The City of Prairie View obtained land through the eminent domain process located at 711 University Drive. Following the death of Ms. Sandra Bland, there was an initiative brought forward by Reverend Dwain Charleston, adopted by the City Council at its August 25 Regular City Council Meeting and subsequently reconfirmed at its September 22 Regular City Council Meeting to establish a memorial park in the name of Ms. Sandra Bland and an attendant action re-naming FM 1098 / University Drive as Sandra Bland Parkway for an interim period.

The City of Prairie View's 4B Economic Development Corporation (PV 4B EDC) set aside \$100,000 to pay for park improvements as an economic development project. The PV 4B EDC properly published, held a public hearing, and obtained the City Council's approval for the project at that time.

The City Council appointed an ad-hoc committee which with a small focus group of interested residents has viewed some of the very preliminary and basic concepts developed and presented by students of the University of Prairie View's A & M School of Architecture.

This agenda item will allow public commentary on the presentation made by Barry Norwood, Ph.D. and Juanita Jimenez, Ph.D. of the proposed City Park enhancement concepts for the Sandra Bland Memorial Park. Once public commentary is received, the City Council will consider action accepting the proposed City Park enhancement concepts for the Sandra Bland Memorial Park.

The concepts will mirror and coordinate with the landscaping plantings and traffic flow changes being completed in the Texas Department of Transportation rights-of-way along Sandra Bland Parkway from U.S. 290 to Prairie View A&M University (PVAMU) using \$1 million in PVAMU funding for beautification of this important City corridor.

If accepted, the project can proceed and will remain under the auspices of the PV 4B EDC with periodic project reports to the City Council.



CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Regular Agenda Item 10

To: Mayor and City Council

Agenda Subject:

Discuss and consider action, if deemed appropriate, on an Ordinance amending the City of Prairie View's Adopted Budget for the Fiscal Year 2015-2016.

- A. Police Department**
- B. Administration Department**
- C. Public Works Department**

Background:

This agenda item will allow the City Council to consider action on an Ordinance amending the City's adopted Budget for Fiscal Year 2015-2016 to accomplish the following matters of business; bringing current the payment of overtime to City of Prairie View Police Department Officers to reduce their compensatory bank of hours to below 480 hours; to reduce the compensatory bank of hours to an Administration Department employee to below 240 hours; to reduce the compensatory bank of hours for two Public Works employees to below 240 hours; and to facilitate technological improvements.

Overtime due is based the City's adopted (October 9, 1995) Personnel Policy Manual, Section 3 – Benefits and Leave, subsection 3.9 Minimum Wage, Overtime Pay and Compensatory Time, *g. The maximum compensatory time accrual for any employee shall be the maximum allowed under the provision of the FLSA (240 regular employee; 460 Law Enforcement). [The number of allowable hours for Law Enforcement is 480 according to current Department of Labor guidelines.]*

h. When an employee has reached the maximum compensatory time accrual, he/she shall be compensated in wages at a rate of one and one half (1 ½) times his/her regular rate for any additional overtime hours worked.

Efforts are underway to reduce the accumulation of any further compensatory time in all departments.

Administration Department. In the Administration Department, a request is being made to include: NSD QuikWater License, Package of 5 according to Microsoft requirements; NSD charge for installation; and a laptop for the City Council Chambers. The cost information is attached as Exhibit B to Ordinance No. 2015-1102.

The amending ordinance is attached for the City Council's consideration.

ORDINANCE NO. 2015-1215-___

AN ORDINANCE OF THE CITY OF PRAIRIE VIEW TEXAS, ADOPTING AMENDMENT NO. 01 TO THE ORIGINAL BUDGET OF THE CITY OF PRAIRIE VIEW, TEXAS, FOR THE FISCAL YEAR 2015-2016; FUNDING CERTAIN OBLIGATIONS OF THE CITY DURING THE BUDGET PERIOD NECESSARY FOR THE PROVISION OF CITY SERVICES; CONTAINING FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER DETAILS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City of Prairie View Fiscal Year 2015-2016 Budget was adopted within the time and in the manner required by State law; and

WHEREAS, the City Council hereby finds and determines that it is necessary to fund the attached amendments to the budget which reflect expenditures necessary for the provision of City services; and

WHEREAS, the City Council further finds that these changes are warranted and necessary for the municipal purposes stated, and that the amendment of the budget is an emergency and a matter of public necessity warranting action at this time; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VIEW, TEXAS:

Section 1.0. The facts and matters set out above in the recitations are found to be true and correct.

Section 2.0. The City of Prairie View Fiscal Year 2015-2016 Budget is hereby amended to fund the changes reflected on the attached Amendment Number 01. This Amendment No. 01 to The Original Budget of the City of Prairie View , Texas, for the Fiscal Year 2015-2016 shall be attached to and made a part of the Original Budget by the City Secretary and filed as required by State law. Attached to and made a part of this Ordinance is are Exhibits "A" and "B" reflecting the budgetary funding for these Amendments.

Section 3.0. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Prairie View, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 15th day of December, 2015.

Frank Jackson, Mayor

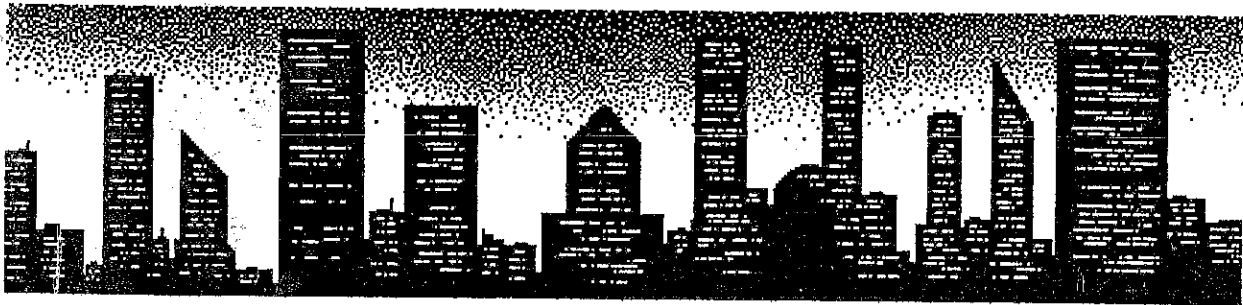
ATTEST:

Janie Willman, City Secretary

EXHIBIT "A"

CITY OF PRAIRIE VIEW

PERSONNEL POLICY MANUAL



Approved and adopted by Prairie View City Council
October 9, 1995

Personnel Policy Manual, Page 1.

PERSONNEL POLICY MANUAL

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3.9 MINIMUM WAGE, OVERTIME PAY AND COMPENSATORY TIME

a. In administering its wage and salary program, the minimum standards of City of Prairie View shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to county governments.

b. The policy shall apply to all employees of City of Prairie View who are not specifically exempt from the provisions of the FLSA.

c. The following positions are exempt under the provisions of FLSA:

- All Elected Officials
- City Engineer or Road Administrator
- Elections Administrator
- City Auditor
- Police Chief Deputy

d. In calculating "hours worked" for purposes of overtime computation, hours worked shall include only hours spent in the service of the City (as defined in the FLSA) and shall exclude all paid leave.

e. Overtime shall be all hours actually worked in excess of forty (40) during the workweek which is defined in the POLICY ON HOURS OF WORK, WORKDAY AND WORKWEEK.. Each workweek stand alone and overtime must be calculated on a weekly basis, not bi-weekly or semi-monthly.

f. A non-exempt employee who works overtime during workweek shall be given compensatory time at a rate of one and one-half (1 1/2) hours compensatory time for each hour worked over forty (40) hours during the workweek.



g. The maximum compensatory time accrual for any employee shall be the maximum allowed under the provision of the FLSA (240 regular employee; 460 Law Enforcement).

h. When an employee has reached the maximum compensatory time accrual, he/she shall be compensated in wages at a rate of one and one half (1 1/2) time his/her regular rate for any additional overtime hours worked.

i. Once maximum accrual has been met, no department head shall allow employee to work any additional hours.

j. Use of compensatory time shall be subject to approval by the employee's supervisor. It is recommended that all compensatory time shall be used within one year from the date it is earned.

k. Compensatory time may be used as vacation, sick leave or for any other reasons as leave with pay.

l. If an individual's employment terminates before all of his/her earned compensatory time is used, he/she will be paid for all unused time at his/her current regular rate OR his/her average regular rate for the past three years, whichever is greater, on his/her final paycheck.

m. Each employee shall be responsible for recording any compensatory time taken within a pay period on the time sheet for that pay period.

n. The City Secretary or City Treasurer's Office shall maintain and update, and send a copy to each Department Head, on a quarterly basis, a Compensatory time record for each employee which shows the compensatory time balance at the end of the quarter.

o. Employees may check their current compensatory time balance at the City Treasurer's Office at any time during normal working hours.

p. Overtime compensation for police officers of the City shall at least meet the minimum standards set forth in the Fair Labor Standards Act and any other federal or state legislation which applies.

3.10 DISCIPLINE

a. Each supervisor shall have the authority to administer discipline to employees in his/her department for poor performance, violation of policies, disruptive behavior or any other behavior or activity which the supervisor feels is not acceptable as it relates to the individual's job or the best interest of the department or City.

b. Depending on the severity of the situation, a supervisor may administer discipline ranging from informal counseling up to and including termination.

c. All employees of the City are "at will" employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment or any other property interest in his/her job.

d. The City retains the right to terminate the employment of any individual at any time and for any legal reason, or no reason, with or without notice, and the City shall also have the right to change any condition, benefit or privilege of employment at any time.

Fact Sheet #7: State and Local Governments Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the [FLSA](#) to State and local government employees.

Characteristics

State and local government employers consist of those entities that are defined as public agencies by the FLSA. “Public Agency” is defined to mean the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States, a State, or a political subdivision of a State; or any interstate governmental agency. The public agency definition does not extend to private companies that are engaged in work activities normally performed by public employees.

Coverage

Section 3(s)(1)(C) of the FLSA covers all public agency employees of a State, a political subdivision of a State, or an interstate government agency.

Requirements

The FLSA requires employers to:

- pay all covered nonexempt employees, for all hours worked, at least the [Federal minimum wage](#) of \$7.25 per hour effective July 24, 2009;
- pay at least one and one-half times the employees’ regular rates of pay for all hours worked over 40 in the workweek;
- comply with the youth employment standards; and
- comply with the recordkeeping requirements

[Youth Minimum Wage](#): The 1996 Amendments to the FLSA allow employers to pay a youth minimum wage of not less than \$4.25 an hour to employees who are under 20 years of age during the first 90 consecutive calendar days after initial employment by their employer. The law contains certain protections for employees that prohibit employers from displacing any employee in order to hire someone at the youth minimum wage.

Compensatory Time: Under certain prescribed conditions, employees of State or local government agencies may receive compensatory time off, at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other state and local government employees may accrue up to 240 hours. An employee must be permitted to use compensatory time on the date requested unless doing so would “unduly disrupt” the operations of the agency.

In locations with concurrent State wage laws, some States may not recognize or permit the application of some or all of the following exemptions. Since an employer must comply with the most stringent of the State or

Federal provisions, it is strongly recommended that the State laws be reviewed prior to applying any of the exclusions or exemptions discussed herein.

For certain employees in the following examples, the calculation of overtime pay **may** differ from the general requirements of the FLSA:

- employees who solely at their option occasionally or sporadically work on a part-time basis for the same public agency in a different capacity than the one in which they are normally employed
- employees who at their option with approval of the agency substitute for another during scheduled work hours in the same work capacity
- employees who meet exemption requirements for Executive, Administrative, Professional or Outside Sales occupations
- hospital or residential care establishments may, with agreement or understanding of employees, adopt a fixed work period of 14 consecutive days and pay overtime after 8 hours in a day or 80 in the work period, whichever is greater
- mass transit employees who spend some time engaged in charter activities
- employees working in separate seasonal amusement or recreational establishments such as swimming pools, parks, etc.

Employees Engaged in Fire Protection and Law Enforcement Activities

Fire protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:

1. are trained in fire suppression;
2. have the legal authority and responsibility to engage in fire suppression;
3. are employed by a fire department of a municipality, county, fire district, or State; and
4. are engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

There is no limit on the amount of nonexempt work that an employee employed in fire protection activities may perform. So long as the employee meets the criteria above, he or she is an employee “employed in fire protection activities” as defined in section 3(y) of the FLSA.

Law enforcement personnel are employees who are empowered by State or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement.

Employees engaged in law enforcement activities may perform some nonexempt work that is not performed as an incident to or in conjunction with their law enforcement activities. However, a person who spends more than 20 percent of the workweek or applicable work period in nonexempt activities is not considered to be an employee engaged in law enforcement activities under the FLSA.

Fire protection and law enforcement employees may at their own option perform special duty work in fire protection and law enforcement for a separate and independent employer without including the wages and hours in regular rate or overtime determinations for the primary public employer.

- Fire Departments or Police Departments **may** establish a work period ranging from 7 to 28 days in which overtime need be paid only after a specified number of hours in each work period.

- Any employee who in any workweek is employed by an agency employing less than 5 employees in fire protection or law enforcement may be exempt from overtime.

For more information on law enforcement and fire protection employees under the FLSA, see Fact Sheet #8.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
[Contact Us](#)

Fact Sheet #8: Law Enforcement and Fire Protection Employees Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the [FLSA](#) to law enforcement and fire protection personnel of State and local governments.

Characteristics

Fire protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:

1. are trained in fire suppression;
2. have the legal authority and responsibility to engage in fire suppression;
3. are employed by a fire department of a municipality, county, fire district, or State; and
4. are engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

There is no limit on the amount of nonexempt work that an employee employed in fire protection activities may perform. So long as the employee meets the criteria above, he or she is an employee “employed in fire protection activities” as defined in section 3(y) of the FLSA.

Law enforcement personnel are employees who are empowered by State or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement.

Employees engaged in law enforcement activities may perform some nonexempt work which is not performed as an incident to or in conjunction with their law enforcement activities. However, a person who spends more than 20 percent of the workweek or applicable work period in nonexempt activities is not considered to be an employee engaged in law enforcement activities under the FLSA.

Coverage

Section 3(s)(1)(C) of the FLSA covers all public agency employees of a State, a political subdivision of a State, or an interstate government agency.

Requirements

[Hours of work](#) generally include all of the time an employee is on duty at the employer’s establishment or at a prescribed work place, as well as all other time during which the employee is suffered or permitted to work for the employer. Under certain specified conditions time spent in sleeping and eating may be excluded from compensable time.

The FLSA requires that all covered nonexempt employees be paid the statutory [minimum wage](#) of not less than \$7.25 per hour effective July 24, 2009.

The FLSA requires that all covered nonexempt employees be paid [overtime pay](#) at no less than time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek.

Section 13(b)(20) of the FLSA provides an overtime exemption to law enforcement or fire protection employees of a public agency that employs less than five employees during the workweek in law enforcement or fire protection activities.

Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a “work period” basis. A “work period” may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Under certain prescribed conditions, a State or local government agency may give compensatory time, at a rate of not less than one and one-half hours for each overtime hour worked, in lieu of cash overtime compensation. Employees engaged in police and fire protection work may accrue up to 480 hours of compensatory time.

An employee must be permitted to use compensatory time on the date requested unless doing so would “unduly disrupt” the operations of the agency.

At the time of termination an employee must be paid the higher of (1) his or her final regular rate of pay or (2) the average regular rate during his or her last three years of employment for any compensatory time remaining “on the books” when termination occurs. For more information on state and local governments under the FLSA, see [Fact Sheet #7](#).

No covered employer may employ any minor in violation of the [youth employment provisions](#) of the FLSA. The Act establishes specific provisions concerning prohibited occupations and/or hours of employment of minors under age 18.

Covered employers must make, keep and preserve payroll-related records as described by regulations [29 CFR Part 516](#).

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
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[Contact Us](#)



CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Regular Agenda Item 11

To: Mayor and City Council

Agenda Subject:

Discuss and consider action, if deemed appropriate, accepting the Proposal for Accounting Services to J. & J. Johnson for Accounting Services for the period of January 1, 2016 through December 31, 2016, and authorize the Mayor to negotiate a contract for said accounting services

Background:

The City of Prairie View has used J. & J. Johnson for accounting / bookkeeping services for 20 plus years. The current agreement with J. & J. Johnson expires on December 31, 2015.

During the City Council's review of its annual contracts, staff was directed to solicit for accounting services and bring to City Council the results at its December 15, 2015 Regular City Council Meeting.

Staff published the Request for Proposals in the Waller County News Citizen on November 19, 2015 and November 25, 2015. Additionally, using the CMBL from the State of Texas, a number of service providers were contacted.

Due to the impending Thanksgiving Holidays, one response was received to the solicitation from J. & J. Johnson on December 3, 2015 at 11:44 a.m.

Terence Finley, Ph.D., and Rebecca L. Faison, Director of the Office of Continuing Education; both of Prairie View A & M University, both with significant business experience and credentialing reviewed the proposal received. They will be present at the City Council Meeting to provide their analysis of the proposal.

Their recommendation is for staff to re-publish the solicitation for Request for Proposals and that the City Council authorize the Mayor to negotiate the continuation with the current service provider on a month-to-month basis in order to allow sufficient time for a wider publication.

The Mayor's recommendation would be to allow a minimum of three to four months on a month-to-month basis in order to complete the annual audit process, should the City Council not accept the proposal.

**J&J JOHNSON
10700 S. MAIN ST. STE. A
HOUSTON, TEXAS 77025
TELE: 713-664-7090**

**BID PROPOSAL
ACCOUNTING SERVICES
FOR THE
CITY OF PRAIRIE VIEW, TEXAS**

SERVING GREATER HOUSTON, TEXAS OVER 27 YEARS

**J&J JOHNSON
10700 S. MAIN ST. STE A
HOUSTON, TX. 77025
TELE: 713-664-7090**

**JEROLD JOHNSON
JAMES JJ JOHNSON**

CERTIFICATION

The undersigned affirms that they are duly authorized to execute this proposal, that this RFP has not been prepared in collusion with any other firm, and the contents of this RFP have not been communicated to any other firm prior to the official opening of this RFP.

Signed By. James JJ Johnson Title: Partner

Typed Name: James JJ Johnson Company Name: J&J JOHNSON

Phone No: 713-664-7090 Fax No: 713-664-9526

Email: littletrej2@msn.com

Bid Address: 10700 S. Main St. Ste. A Houston, Texas 77025

Order Address: 10700 S. Main St. Ste. A Houston, Texas 77025

Remit Address: 10700 S. Main St. Ste. A Houston, Texas 77025

Federal Tax ID No.: 76-0240459

Date: December 2, 2015

REQUEST FOR PROPOSAL
PROFESSIONAL ACCOUNTING SERVICES

DUE DATE: Thursday, December 3, 2015
@ 2:00 P.M. C.ST.



CITY OF PRAIRIE VIEW, TEXAS
P.O. BOX 817
44500 U.S. BUSINESS 290 EAST
PRAIRIE VIEW, TEXAS 77446
(936) 857-3605
www.prairieviewtexas.gov

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INTRODUCTION

The City of Prairie View is soliciting Proposal(s) (RFP's) from qualified accounting firms to provide accounting services and guide the overall financial activity of the City in accordance with generally accepted accounting principles, including accounting, budget preparation, audit preparation, cash management, deposits, accounts receivable, accounts payable, payroll, procurement, city insurance policies, including property and liability, workers compensation and unemployment insurances; and employee health and life insurance programs.

All work will be coordinated through in-house staff. Oversees the City's debt service, investment of City funds, including City-issued general obligation bonds, certificates of obligation, and other debt instruments. Interaction with bond counsel, grants funding, and coordinates all budgeting functions with the City's Department Heads. Municipal experience and CPA certification are preferred. Position reports to the Mayor and City Council.

Professional statement of qualifications will be accepted until Thursday, December 3, 2015 at 2 p.m. at Prairie View City Hall.

Proposals will be publicly opened and read aloud at Prairie View City Hall on Friday, December 4, 2015 at 2 p.m.

The initial contract period begins January 1, 2016 and ends on December 31, 2016, with annual renewals as authorized by City Council action.

Proposals / Response packages should be addressed to and may be hand delivered to:

Janie Willman, City Secretary
City of Prairie View
44500 U.S. Business Highway 290 East
P.O. Box 817
Prairie View, Texas 77446-0817

Designate on the front, lower left hand corner of your sealed response envelope the following information:

Proposal Reference: Accounting Services
Submission Deadline: 2 p.m., CST, Thursday, December 3, 2015

Each envelope should contain three (3) proposal copies along with an electronic file in a media device to be opened and used for analysis following bid opening. Please note that proposals received after the deadline cannot be considered and will be returned unopened.

The City of Prairie View reserves the right to reject any and all proposals and to waive any and all informalities as deemed to be in the best interest of the City.

The City of Prairie View is an Affirmative Action / Equal Opportunity Employer.

DEFINITIONS, TERMS AND CONDITIONS

Definitions

In order to simplify the language throughout this request for qualification, the following definitions shall apply:

CITY OF PRAIRIE VIEW – Same as City.

CITY COUNCIL – The elected officials of the City of Prairie View, Texas given the authority to exercise such powers and jurisdiction of all City business as conferred by the State Constitution and Laws.

CONTRACT – An agreement between the City and a Supplier to furnish supplies and/or services over a designated period of time during which repeated purchases are made of the commodity and/or service specified.

CITY – The government of the City of Prairie View, Texas.

FIRM – The successful Offeror of this request.

RFP – Request for Proposal

Receipt of Proposals

The submitted Proposal(s) must be received by the City Secretary prior to the time and date specified. The mere fact that the Proposal was dispatched will not be considered; the firm must ensure that the Proposal is actually delivered.

Questions and Inquiries

Questions and inquiries about this Request for Proposal should be directed to Janie Willman, City Secretary at (936) 857-3603.

Reservations

The City reserves the right to accept or reject any or all Proposals as a result of this request, to negotiate with all qualified sources, or to cancel, in part or in its entirety, this Request for Proposal if found in the best interest of the City. All Proposals become the property of the City of Prairie View and are subject to examination in accordance with the Texas Public Information Act.

Reimbursements

There is no express or implied obligation for The City of Prairie View to reimburse responding firms for any expenses incurred in preparing Proposals in response to this Request for Proposal and City of Prairie View will not reimburse responding firms for the these expenses, nor will City pay any subsequent costs associated with the provision of any additional information or presentation, or to procure a contract for these services.

Certification

Proposals must be completed and submitted as required in this document. Certification form must be fully completed.

Communication

The City shall not be responsible for any verbal communication between any employee of the City and any potential firm. Only written requirements and qualifications will be considered.

Management

Should there be a change in ownership or management; the contract shall be canceled unless a mutual agreement is reached with the new owner or manager to continue the contract with its present provisions and prices. This contract is nontransferable by either party.

Payment Terms

Invoices must be submitted by the vendor to the City of Prairie View, P.O. Box 817, Prairie View, Texas 77446. If invoices are subject to cash discount, discount period to be taken from the date of completion of order or date of receipt of invoice, whichever occurs last regardless of whether correct discount terms appear on invoice. All invoices will be paid in full within 30 days after satisfactory delivery of services and billing.

Negotiations

Negotiations, upon City Council authorization, may be conducted with responsible respondents who submit Proposals that are reasonably susceptible of being selected. All firm(s) reasonably susceptible of being selected based on criteria set forth in this RFP may be given an opportunity to make a presentation and/or interview with the City of Prairie View City Council. Following any presentation and/or interviews, firms will be ranked in order of preference and contract negotiations will begin with the top ranked firm. Should negotiations with the highest ranked firm fail to yield a contract, or if the firm is unable to execute said contract, negotiations will be formally ended and then commence with the second highest ranked firm, etc.

Award of the Contract

Award of the contract shall be made by the City Council to the responsible offeror whose proposal is determined to be the best evaluated offer resulting from negotiations, taking into consideration the relative importance of price and other factors set forth in this request for qualifications.

GENERAL INFORMATION

The City of Prairie View is located in northern Waller County, Texas along U.S. Highway 290.

The City of Prairie View was incorporated in 1969 and is a Home Rule Charter city which operates under the Mayor-Council form of government. The City has a population of approximately 5,576 persons.

The City is organized into the following departments: Administration, Municipal Court, Police, and Public Works. The City is serviced by a volunteer fire fighting association. The accounting and financial reporting functions of the City are centralized.

The most recent copy of the City's Annual Budget can be found at www.prairieviewtexas.gov.

The City's Annual Financial Report is available upon request from the office of the City Secretary

SCOPE OF WORK

The City of Prairie View is soliciting Requests for Proposals (RFPs) from qualified accounting firms to provide accounting services and guide the overall financial activity of the City in accordance with generally accepted accounting principles, including accounting, budget preparation, audit preparation, cash management, deposits, accounts receivable, accounts payable, payroll, procurement, city insurance policies, including property and liability, workers compensation and unemployment insurances; and employee health and life insurance programs.

All work will be coordinated through in-house staff. Oversees the City's debt service, investment of City funds, including City-issued general obligation bonds, certificates of obligation, and other debt instruments. Interaction with bond counsel, grants funding, and coordinates all budgeting functions with the City's Department Heads.

The work is to be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the General Accounting Office's (GAO) Government Auditing Standards (1994 Revision, as amended); the provisions of the Federal Single Audit Act of 198, as amended, and the Single Audit Act Amendments of 1996; and the U.S. Office of Management and Budget (OMB) Circular A-133 Audits of States, Local Governments and Non-Profit Organizations.

SPECIAL PROVISIONS

GASB Statements 33, 34, 37, and 38

The firm shall also be responsible for performing certain limited procedures involving required supplementary information required by the Governmental Accounting Standards Board (GASB) as mandated by auditing standards generally accepted in the United States.

The City will implement the provisions required by the Governmental Accounting Standards Board Statement No. 34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments, as of October 1, 1998; GASB Statement No. 33, Accounting and Financial Reporting for Nonexchange Transactions; GASB Statement No. 37, Basic Financial Statements--and Management's Discussion and Analysis--for State and Local Governments: Omnibus; and GASB Statement No. 38, Certain Financial Statement Note Disclosures.

Reporting to the City Council

The firm shall assure themselves that the City's governing body is informed of each of the following or provided in a traditional reporting format meeting local government financial reporting standards

- ◆ The firm's responsibility under generally accepted accounting standards
- ◆ The need for significant accounting, financial, investment, reporting, policies and procedures
- ◆ The need for significant technical training for all City staff who have direct responsibility and accountability for the City's treasury and finances
- ◆ Monthly, quarterly, and annual financial statements and reporting
- ◆ Any measures, procedures, or reporting required to meet the traditional transparency of local government related to accounting, financial, investment. Budgeting, and taxation
- ◆ Other matters required by GAAS, such as reporting of illegal acts, etc.

Sale of Debt Securities

The City anticipates it will prepare one or more official statements in connection with the sale of debt securities that will contain the general-purpose financial statements or basic financial statements and the auditor's report thereon. The auditor may be required, if requested by the City, to issue a "consent and citation of expertise" as the auditor and to issue any necessary "comfort letters". The accounting firm may be required to provide assistance, information, and direction to the auditor and any other agencies to help achieve the successful sale of debt securities.

Working Papers

All working papers and reports must be provided to the City. In addition, all working papers and reports must be retained at the firm's expense, for a minimum of three (3) years, unless the firm is notified in writing by the City of the need to extend the retention period. The firm will be required to provide the City a copy of any working papers available, upon request, to the following parties or their designees:

The City of Prairie View

The Texas State Comptrollers Office

Auditors of entities of which the City is a sub-recipient of grant funds

Officials of federal or state departments that provide financial assistance to the City

In addition, the firm shall respond to reasonable inquiries of successor accounting firms and allow successor firms to review working papers relating to matters of continuing accounting significance.

Fund Structure

The City uses the traditional fund types in its financial reporting including but not limited to:

- ◆ General Fund Account:
- ◆ Debt Service & Interest Account:
- ◆ Payroll Account
- ◆ Tax Debt Account
- ◆ Public Works Department
- ◆ Water/Sewer Deposits Escrow Account
- ◆ Water/Sewer Bonds 2007
- ◆ Water Well Project Fund
- ◆ Street Maintenance Fund Account
- ◆ General Obligation Bonds Series 2011
- ◆ Certificates of Obligation Series 2011
- ◆ Crime Prevention and Control District Fund Account
- ◆ Police Education Account
- ◆ Police Confiscated Drug Fund Account
- ◆ Municipal Court Fund Account
- ◆ Municipal Court Building Fund Account
- ◆ Technology Fund Account
- ◆ Hotel Occupancy Tax Fund Account
- ◆ 4-B Economic Development Corporation Account

Assistance Provided by City

The City Treasurer and other responsible management personnel will be available to assist the firm by providing information, documentation and explanations. The firm will prepare all working trial balances, supporting schedules, supporting working papers, and requests for confirmations as reasonably requested by the City's auditors, on a basis consistent with the timetable outlined below. Other assistance that can be expected follows:

- ◆ Information System Assistance - personnel will be available to provide systems documentation and explanation. The firm will be provided computer time for "Inquiry Only" functions.
- ◆ Work Area, Telephone, Photocopying and Facsimile Machines - the City will provide the firm with reasonable workspace, desks and chairs. The firm will also be provided with access to one telephone line, photocopying facilities and FAX machine(s).

TECHNICAL REQUIREMENTS

General Requirements

The purpose of this Technical Section is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake an independent audit of the City's financial statements in conformity with the requirements of this request for proposal. As such, the substance of the proposal(s) will carry more weight than their form or manner of presentation. The Technical Section should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the request for proposal requirements.

The Technical Section should address all the points outlined in the request for proposal. The Section should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for proposal.

While additional data may be presented, the following subjects, items Nos. 2 through 10, must be included in that order. They represent the criteria against which the proposal will be evaluated.

Independence

The firm should provide the following:

- ◆ An affirmative statement that it is independent of the City as defined by generally accepted auditing standards and the U.S. General Accounting Office's Governmental Auditing Standards 1994 Revision, as amended.
- ◆ An affirmative statement that is independent of all of the component units of the City as defined by those same standards.
- ◆ A list describing the firm's (or proposed subcontractors') professional relationships involving the City or any of its component units for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed audit.
- ◆ Written notice of any professional relationships entered into during the period of this agreement.
- ◆ An affirmative statement that the firm and assigned key professional staffs are properly licensed to practice in the State of Texas.

Firm Qualifications and Experience

The proposer should state the following:

- ◆ Size of the firm
- ◆ Size of the firm's governmental audit staff
- ◆ Location of the office from which work on this engagement is to be performed
- ◆ Number and nature of the professional staff to be employed in this engagement on a full-time basis, and
- ◆ Number and nature of the staff to be so employed on a part-time basis.

If the proposer is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified and the firm that is to serve as the principal auditor should be noted, if applicable.

The firm should also provide the following:

- ◆ A copy of the report on its most recent external quality control review, with a statement whether that quality control review included a review of specific governmental engagements.
- ◆ Information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years.
- ◆ Information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.

Partner, Supervisory and Staff Qualifications and Experience

- ◆ Identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who will be assigned to the engagement. Indicate whether each person is registered or licensed to practice as a certified public accountant in Texas.
- ◆ Provide information on the local governmental financial experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of the work required.
- ◆ Provide as much information as possible regarding the number, qualifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this engagement.

Engagement partners, managers, other supervisory staff and specialist may be changed if those personnel leave the firm, are promoted or are assigned to another office. These personnel may also be changed for other reasons with the express written permission of the City which retains the right to approve or reject replacements.

Other personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications and experience.

Similar Engagements with Other Governmental Entities

- ◆ For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (maximum of 5) performed in the last five (5) years that are similar to the engagement described in this request for proposal. These engagements should be ranked on the basis of total staff hours. Indicate the scope of work, date, engagement partners, total hours, and the name, email address and telephone number of the principal client contact.

Methodology and Work Approach

The proposal should set forth a work plan, including an explanation of the methodology to be followed, to perform the services required in this request for proposal. In

developing the work plan, reference should be made to such sources of information as the City's budget and related materials, organizational charts, manuals and programs, and financial and other management information systems.

Proposers will be required to provide the following information on their work approach:

- ◆ Proposed segmentation of the engagement
- ◆ Level of staff and number of hours to be assigned to each proposed segment of the engagement
- ◆ Extent to which EDP software will be used to test the City's financial systems during the engagement
- ◆ Type and extent of analytical procedures to be used in the engagement
- ◆ Approach to be taken to gain and document an understanding of the City's internal control structure factoring in improvements

Report Format

The proposal should include sample formats for required reports

EVALUATION FACTORS

After receipt of proposals, City of Fulshear will use the following criteria in the selection process as more fully defined in the Technical Requirements section of this request for proposal:

- 15% Independence - an affirmative statement that the firm is independent of the City
- 10% License to Practice - an affirmative statement that the firm is licensed to practice in Texas
- 20% Firm Qualifications and Experience
- 10% Partner, Supervisory and Staff Qualifications and Experience
- 15% References - Similar Engagements with Other Governmental Entities
- 15% Methodology and Work Approach including timeline for completion
- 15% Reporting to City Council factors

OUT OF POCKET COSTS

Out-of-Pocket Expenses Included in the Total All-Inclusive Maximum Contract Price and Reimbursement Rates

Out-of-pocket expenses for firm personnel (e.g., travel, lodging and subsistence) will be reimbursed at the rates used by the City for its employees. All estimated out-of-pocket

expenses to be reimbursed should be included in the all-inclusive maximum contract price, and be charged against the total all-inclusive maximum price submitted by the firm. In addition, a statement must be included in the pricing section stating the firm will accept reimbursement for travel, lodging and subsistence at the prevailing City rates for its employees.

FORMAT REQUIREMENT

The format should conform to the format prescribed below. Three (3) copies should be provided.

- TAB A Transmittal Letter
- TAB B Statement of Independence
- TAB C Statement of License in Texas
- TAB D Firm Qualifications and Experience
- TAB E Partner, Supervisory and Staff Qualifications and Experience
- TAB F References - Similar Engagements with Other Governmental Entities
- TAB G Methodology and Work Approach
- TAB H Report Format

CERTIFICATION

The undersigned affirms that they are duly authorized to execute this proposal, that this RFP has not been prepared in collusion with any other firm, and that the contents of this RFP have not been communicated to any other firm prior to the official opening of this RFP.

Signed By: _____ Title: _____

Typed Name: _____ Company Name: _____

Phone No.: _____ Fax No.: _____

Email: _____

Bid Address: _____
P.O. Box or Street City State Zip

Order Address: _____
P.O. Box or Street City State Zip

Remit Address: _____
P.O. Box or Street City State Zip

Federal Tax ID No.: _____

Date: _____

END OF RFP

**FROM; J&J JOHNSON
10700 S. MAIN ST. STE. A
HOUSTON, TEXAS 77025**

TAB A

PROPOSAL

PROPOSAL

SUBMITTED TO: City of Prairie View, ATTN: Janie Willman, City Secretary

RFP NAME: Accounting Services

WE HEREBY SUBMIT THE FOLLOWING PROPOSAL:

- A) **At a fee of \$1,100 per month provide monthly accounting and related accounting services as follows:**
1. Maintain and record all general ledger entries from data provided by the City of Prairie View and others,
 2. Prepare monthly Balance Sheet and Revenue & Disbursement (Income) Statements by fund,
 3. Prepare actual to budget revenue and expenditure (Income) reports,
 4. Reconcile all bank accounts to the general ledger bank balances,
 5. Present monthly financial reports at the appropriate schedule City Council meeting,
 6. Prepare payroll and related transactions:
 - A. Process payroll checks semimonthly from data provided by the City of Prairie View
 - B. Process bank transfer checks to cover payroll amounts and make Federal Tax Deposits
 - C. Process and reconcile deductions for all retirement funds, medical & life insurance, and garnishments
 - D. Prepare related management reports of employee histories, compensation records and benefit profiles.
 7. Maintain cash management (includes timely bank deposits) with City Treasurer
 8. Assist City with the maintenance of employee health & life insurance, workmen compensation and property insurance policies
 9. Oversee the City Debt Service obligations, including General Obligation and Certificate of Obligation bond payments
 10. Review Public Works billing & receivables and property tax payments & receivables reports.
 11. **Quarterly:** Prepare related payroll tax returns (Federal 941 and State Unemployment); Prepare sales tax collection (trash pickup) returns; Prepare Municipal Court collection returns.
 12. **Yearly:** Prepare the following: fiscal year-end Financial Statements; issue the appropriate 1099's and w/2's; Other Federal and State Reports.

J&J JOHNSON

TAB A – cont.

B) At a fee of \$65 per hour (estimated hours – 125) provide the following variable financial services:

1. Prepare the year-end Consolidated Financial Reports for Audit
2. Respond to special financial or auditing preparation request
3. Annual City Budget preparation (interact with the Mayor, City Council and City Department Heads)
4. Interaction with bond council and grant funding
5. Fixed asset verification
6. Attend special call meetings and workshops as requested
7. Investment of City funds
8. Annual City property tax rate calculations and outside reporting
9. Any other special request not listed in (A) above

Authorized Signatory: Name JAMES JJ JOHNSON Signature: James JJ Johnson

Date: December 2, 2015

ACCEPTANCE OF PROPOSAL

I/We have reviewed your proposal and hereby indicate our acceptance of the same, as per the details, specifications and amounts mentioned in the proposal form.

Authorized Signatory: Name _____ Signature: _____

Date: _____

TAB B

J&J JOHNSON

STATEMENT OF INDEPENDENCE

J&J JOHNSON is independent of the City of Prairie View, Texas as defined by generally accepted auditing standards and the U S General Accounting Office's Governmental Auditing Standards 1994 Revision as amended. J&J JOHNSON'S office is located at 10700 S. Main St. Ste. A, Houston, Texas 77025 in Harris County.

J&J JOHNSON is independent of all of the component units of the City of Prairie View, Texas as defined by those same standards.

PROFESSIONAL RELATIONSHIPS - J&J JOHNSON has been the Financial Consultant for the City of Prairie View for the past twenty-one (21) years (21 yearly contracts). During this period, J&J JOHNSON has performed the duties of the City of Prairie View, Texas Financial Consultant very professional. In addition, J&J JOHNSON has remained independent of any relationships with anyone employed or an elected official of the City of Prairie View, Texas. This relationship has been strictly a business relationship, which does not constitute a conflict of interest relative to performing the proposed financial duties of the City of Prairie View, Texas.

All the above statements are true to the best of our knowledge.

Partner- James JJ Johnson

Partner – Jerold Johnson

Date: 12/2/15

Date: 12/2/15

TAB C

J&J JOHNSON

STATEMENT OF LICENSE IN TEXAS

J&J JOHNSON (a legal Partnership) is not a Certified Public Accounting Firm (CPA) therefore, no license is required to perform the financial and accounting services that are requested in this proposal. J&J JOHNSON is a bookkeeping and tax service Partnership which is registered with the Better Business Bureau (BBE) of Houston, Texas with an A+ rating.

All the above statements are true to the best of our knowledge.

Partner- James JJ Johnson

Partner – Jerold Johnson

Date: 12/2/15

Date: 12/2/15

TAB D

J&J JOHNSON

FIRM QUALIFICATIONS AND EXPERIENCE

J&J JOHNSON (a legal Partnership) has been in business for twenty-seven (27) years as a bookkeeping and tax service firm. J&J JOHNSON has twenty-one (21) years of City government accounting experience as the Financial Consultant for the City of Prairie View, Texas performing all the requested activities in this bid proposal. All twenty-one (21) of the City of Prairie View, Texas audited financial statements prepared by J&J JOHNSON received a unmodified audit opinion from the outside Auditors stating that they were prepared according to General Accepted Accounting Principles for government entities. In addition, the financial statements prepared by J&J JOHNSON helped the City of Prairie View Texas sale municipal bonds in 2007 and 2011. Each time the City has requested a bank loan, the City has been successful because of the timely and professionally prepared financials. During the twenty-one years of service to the City of Prairie View, Texas, J&J JOHNSON has presented the monthly financials at the regular monthly City Council meetings, only missing three (3) regular schedule meetings. Each absence was due to illness.

J&J JOHNSON has 552 individual and 74 corporate income tax clients. Bookkeeping and payroll services are performed for 23 clients.

J&J JOHNSON has been listed with the Better Business Bureau (BBB) of Houston, Texas since 2007. Currently J&J JOHNSON has an A+ rating from the BBB.

J&J JOHNSON carries "Business Liability and Products – Completed Operations" insurance.

TAB D – cont.

All the above statements are true to the best of our knowledge.

Partner- James JJ Johnson

Date: 12/2/15

Partner – Jerold Johnson

Date: 12/2/15

TAB E

J&J JOHNSON

PARTNER, SUPERVISORY AND STAFF QUALIFICATIONS AND EXPERIENCE

J&J JOHNSON (a legal Partnership) has two General Partners, James JJ Johnson, 15126 Chasehill Dr., Missouri City, Texas 77489 and Jerold Johnson, 12939 Chrysanthemun, Houston, Texas 77085. One part time contract person – Courtney Smith, CPA, 4926 Feagan St., Houston, Texas 77007

Either of the two Partners, James JJ Johnson or Jerald Johnson well primarily perform all the requested activities in this bid.

The contract person, Courtney Smith assist on special assignments and serves as a research person.

QUALIFICATIONS AND EXPERIENCE:

JAMES JJ JOHNSON, 47 years experience in general accounting, budgeting and taxation; 21 years experience City government accounting. EDUCATION - Associate of Arts Degree; BBA Degree with a Major in Accounting; Master of Business (MBA) Degree.

JEROLD JOHNSON, 35 years experience in general accounting, computer software and taxation; 21 years experience City government accounting. EDUCATION - BBA Degree with a Major in Accounting.

COURTNEY SMITH, 34 years experience in general accounting, auditing and financial systems analysis; 7 years experience City government accounting with the City of Houston (currently employed in the City Comptroller's office). EDUCATION – BBA Degree with a Major in Accounting; Masters in Finance Degree. Certifications - Certified Public Accountant (CPA).

TAB E – cont.

All the above statements are true to the best of our knowledge.

Partner- James JJ Johnson

Partner – Jerold Johnson

Date: 12/2/15

Date: 12/2/15

Contract Consultant – Courtney Smith, CPA

Date: 12/2/15

TAB F

J&J JOHNSON

**REFERENCES -
SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT
ENTITIES**

J&J JOHNSON (a legal Partnership) has served as the Financial Consultant for the City of Prairie View, Texas for the past twenty-one (21) years performing all the financial, budgeting, accounting and reporting requirements requested in this bid.

REFERENCES:

Mayor Frank Jackson – City of Prairie View, Texas

Prior Mayor Ronald Leverett – City of Prairie View, Texas

Prior and Current City Council Members – City of Prairie View, Texas

Prior City Secretary – Carl Jones – City of Prairie View, Texas

Bond Council – Clearance Greer – Tele: 469-585-0931

CPA Auditors – Erskine Payne, CPA – Tele: 713-301-8074

Walter Davis, CPA – Tele: 713-522-2020

TAB G

J&J JOHNSON

MATHODOLOGY AND WORK APPROACH

J&J JOHNSON (a legal Partnership) will implement the following methodology and work approach for this requested bid:

The Partners of J&J Johnson, James JJ Johnson and Jerold Johnson will provide the majority support for the activities of this bid:

The Contract CPA, Courtney Smith will be assigned to special projects that might be required and perform any government accounting research that might be warranted.

Proposed segmentation of engagement:

Monthly

GENERAL LEDGER PROCESSING -Receive all check payment vouchers, Bank Statements, and miscellaneous cash receipts from City Treasurer so the pertinent data can be imputed into the general ledger. When processing the data, reviews are made for internal control purposes, proper use of the voucher system, double payments, integrity of payments, proper payment authorization, etc.

Other financial information which needs to be included in the general ledger will be obtained from the Public Works Clerk, Municipal Court Assistant. Also, financial data will be obtained from the Waller ISD property tax office.

Monthly financial reports (Balance Sheets and Statement of Revenue & Disbursements) by Department Class will be generated from the general ledger

TAB G – cont.

data. These financial reports will be presented to the Mayor and City Council at the monthly City Council meeting.

PAYROLL PROCESSING -

Process payroll checks semimonthly (payable on the 1st & 15th) from data provided by the City of Prairie View, Texas Treasurer,

Process bank transfer checks to cover payroll amount,

Track vacation time and sick time,

Process and reconcile all retirement, medical and other insurance deductions and garnishments.

Test are made to insure the integrity of the payroll.

QUARTERLY

Primarily payroll related – tax compliance; Federal Tax Filing 941 Reports; State Unemployment Reports,

Filing of Municipal Court Collections (Traffic Fines) and State Sales Taxes collected (Trash Pick-up) with the State Comptroller.

YEARLY

Payroll – Employee W/2's; Vendor 1099's

Consolidated Year-End Financial Statements

File other yearly government reports

**DEBT SERVICE - PRAIRIE VIEW, TX
BALANCE SHEET
As of September 30, 2015**

ASSETS

CURRENT ASSETS

CASH - ST BK DEBT SERV & INT	\$	62,040.31
Due From General Fund		245.98
Receivable Property Taxes D/S		<u>85,910.92</u>

Total Current Assets 148,197.21

PROPERTY AND EQUIPMENT

TOTAL ASSETS \$ 148,197.21

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

Deferred Prop Tax Rev Delq DS	\$	<u>85,910.92</u>
-------------------------------	----	------------------

Total Current Liabilities 85,910.92

LONG-TERM LIABILITIES

Total Liabilities 85,910.92

FUND EQUITY

Fund Equity Beg Balance	31,105.41
Current Change Fund Balance	<u>31,180.88</u>

Ending Fund Equity 62,286.29

**TOTAL LIABILITIES AND
FUND EQUITY** \$ 148,197.21

DEBT SERVICE - PRAIRIE VIEW, TX
INCOME STATEMENT
Actual vs. Budget

	1 Month Ended September 30, Actual	1 Month Ended September 30, Budget	12 Months September 30, Actual	12 Months September 30, Budget	Over / Under Variance
Sales					
Tax Revenue	\$ 3,629.44	\$ 29,975.00	\$ 369,443.39	\$ 359,700.00	\$ 9,743.39
Interest & Dividends-Debt Svc	53.88	25.00	405.62	300.00	105.62
Less Returns & Allowances	0.00	0.00	0.00	0.00	0.00
Total Sales	<u>3,683.32</u>	<u>30,000.00</u>	<u>369,849.01</u>	<u>360,000.00</u>	<u>9,849.01</u>
Gross Profit	<u>3,683.32</u>	<u>30,000.00</u>	<u>369,849.01</u>	<u>360,000.00</u>	<u>9,849.01</u>
Operating Expenses					
Payment on loan principle	0.00	1,975.00	7,350.42	23,700.00	16,349.58
Payment on bond principle	90,000.00	14,475.00	99,000.00	173,700.00	74,700.00
Interest On Debt Paid	0.00	291.63	143.71	3,500.00	3,356.29
Interest Bonds Debt Svc	115,042.50	13,125.00	232,139.00	157,500.00	(74,639.00)
Bond Payment Processing Cost	0.00	133.37	0.00	1,600.00	1,600.00
Bank Charges Debt Svc	0.00	0.00	35.00	0.00	(35.00)
Total Operating Expenses	<u>205,042.50</u>	<u>30,000.00</u>	<u>338,668.13</u>	<u>360,000.00</u>	<u>21,331.87</u>
Operating Income	<u>(201,359.18)</u>	<u>0.00</u>	<u>31,180.88</u>	<u>0.00</u>	<u>31,180.88</u>
Other Expense					
Net Income (Loss)	<u>\$ (201,359.18)</u>	<u>\$ 0.00</u>	<u>\$ 31,180.88</u>	<u>\$ 0.00</u>	<u>\$ 31,180.88</u>

See Accountants' Compilation Report

**PRAIRIE VIEW CRIME CONTROL & PREVENTION
BALANCE SHEET
As of September 30, 2015**

ASSETS

CURRENT ASSETS

Cash - Crime Prevention Prosperity Ban \$ 38,277.30

Total Current Assets 38,277.30

PROPERTY AND EQUIPMENT

TOTAL ASSETS \$ 38,277.30

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

Due to General Fund \$ (5,617.15)

Total Current Liabilities (5,617.15)

LONG-TERM LIABILITIES

Total Liabilities (5,617.15)

FUND EQUITY

Fund Equity Beg Balance 43,802.04

Current Change Fund Balance 92.41

Ending Fund Equity 43,894.45

**TOTAL LIABILITIES AND
FUND EQUITY** \$ 38,277.30

**PRAIRIE VIEW CRIME CONTROL & PREVENTION
INCOME STATEMENT
Actual vs. Budget**

	1 Month Ended September 30, Actual	1 Month Ended September 30, Budget	12 Months Ended September 30, Actual	12 Months Ended September 30, Budget	Over / Under Variance
Sales					
Sales Tax Revenue	\$ 2,755.33	\$ 5,625.00	\$ 62,922.12	\$ 67,500.00	\$ -4,577.88
Interest and dividends	12.36	16.63	266.23	200.00	66.23
Less Returns & Allowances	0.00	0.00	0.00	0.00	0.00
Total Sales	<u>2,767.69</u>	<u>5,641.63</u>	<u>63,188.35</u>	<u>67,700.00</u>	<u>-4,511.65</u>
Gross Profit	<u>2,767.69</u>	<u>5,641.63</u>	<u>63,188.35</u>	<u>67,700.00</u>	<u>-4,511.65</u>
Operating Expenses					
Transf. to Gen Fund Police Chi	<u>2,767.69</u>	<u>5,641.63</u>	<u>63,095.94</u>	<u>67,700.00</u>	<u>4,604.06</u>
Total Operating Expenses	<u>2,767.69</u>	<u>5,641.63</u>	<u>63,095.94</u>	<u>67,700.00</u>	<u>4,604.06</u>
Net Income (Loss)	<u>0.00</u>	<u>0.00</u>	<u>92.41</u>	<u>0.00</u>	<u>-92.41</u>

See Accountants' Compilation Report

CITY OF PRAIRIE VIEW 4-B ECO. DEV. CORP
BALANCE SHEET
As of September 30, 2015

ASSETS

CURRENT ASSETS

Cash - Sta Bk 4B Eco Dev Corp	\$ 571,023.98
Acc Rec Odyssey Training Institute	53,180.00
Account Receivables Sales Tax Revenue	<u>20,239.38</u>

Total Current Assets 644,443.36

PROPERTY AND EQUIPMENT

Land - Clark St	4,060.00
Park Security System	<u>2,467.25</u>

Net Property and Equipment 6,527.25

TOTAL ASSETS \$ 650,970.61

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

Due to General Fund Eco Dev B	\$ <u>240.00</u>
-------------------------------	------------------

Total Current Liabilities 240.00

LONG-TERM LIABILITIES

Total Liabilities 240.00

FUND EQUITY

Beg Fund Balance	544,704.43
Fund Bal. Adjustment	(4,208.37)
Current Fund Increase (Loss)	<u>110,234.55</u>

TOTAL FUND EQUITY 650,730.61

LIABILITIES AND FUND BALANCE 650,970.61

CITY OF PRAIRIE VIEW 4-B ECO. DEV. CORP
INCOME STATEMENT
Actual vs. Budget

	1 Month Ended September 30, Actual	1 Month Ended September 30, Budget	12 Months Ended September 30, Actual	12 Months Ended September 30, Budget	Over / Under Variance
Sales					
Sales Tax Revenue	\$ 14,466.18	\$ 11,416.63	\$ 137,988.12	\$ 137,000.00	\$ 988.12
Interest and dividends	368.53	133.37	2,326.38	1,600.00	726.38
Less Returns & Allowances	0.00	0.00	0.00	0.00	0.00
Total Sales	<u>14,834.71</u>	<u>11,550.00</u>	<u>140,314.50</u>	<u>138,600.00</u>	<u>1,714.50</u>
Gross Profit	<u>14,834.71</u>	<u>11,550.00</u>	<u>140,314.50</u>	<u>138,600.00</u>	<u>1,714.50</u>
Operating Expenses					
Salaries and wages	0.00	3,500.00	0.00	42,000.00	42,000.00
Payroll Taxes	0.00	283.37	0.00	3,400.00	3,400.00
Insurance Employees	0.00	125.00	0.00	1,500.00	1,500.00
Legal	0.00	750.00	0.00	9,000.00	9,000.00
Accounting	780.00	333.37	2,600.00	4,000.00	1,400.00
Web-Site & Software Svc	0.00	125.00	0.00	1,500.00	1,500.00
Newsletter Correspondences	0.00	416.63	0.00	5,000.00	5,000.00
Supplies-office	0.00	41.63	61.60	500.00	438.40
Printing & Postage	0.00	0.00	46.00	0.00	(46.00)
Dues & subscriptions	0.00	625.00	1,000.00	7,500.00	6,500.00
Contract Service	0.00	250.00	0.00	3,000.00	3,000.00
Advertising	700.00	1,133.37	8,813.63	13,600.00	4,786.37
Travel - Director	0.00	1,000.00	0.00	12,000.00	12,000.00
City Direct Business Incentive	7,500.00	1,666.63	14,652.88	20,000.00	5,347.12
Uniforms	0.00	25.00	0.00	300.00	300.00
Workshops, Conf. & Travel	0.00	300.00	2,905.84	3,600.00	694.16
Contingency Expense	0.00	975.00	0.00	11,700.00	11,700.00
Total Operating Expenses	<u>8,980.00</u>	<u>11,550.00</u>	<u>30,079.95</u>	<u>138,600.00</u>	<u>108,520.05</u>
Oper. Fund Chg (Less)	<u>5,854.71</u>	<u>0.00</u>	<u>110,234.55</u>	<u>0.00</u>	<u>110,234.55</u>
Other Fund Chg. (Less)					
Net Fund Chg (Less)	<u>\$ 5,854.71</u>	<u>\$ 0.00</u>	<u>\$ 110,234.55</u>	<u>\$ 0.00</u>	<u>\$ 110,234.55</u>

See Accountants' Compilation Report

**LONG TERM DEBT PRAIRIE VIEW
BALANCE SHEET
As of September 30, 2015**

ASSETS

CURRENT ASSETS

AVAIL TO RETIRE CR DEBT SERV. 95,858.20

Total Current Assets \$ 95,858.20

PROPERTY AND EQUIPMENT

OTHER ASSETS

AVAIL TO RETIRE LG TERM DEBT 4,584,244.26

Total Other Assets 4,584,244.26

TOTAL ASSETS \$ 4,680,102.46

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

CR PAY POLICE AUTO TAHOS (2)	\$	15,333.05
CR PAY TRACTOR KUBOTA		9,583.15
GEN OBLIGA BOND - 2007 CURR PAY		60,000.00
CR PAY GEN OBLIGA BOND - 2011		942.00
CR PAY CERT OR OBLIGATION BOND		<u>10,000.00</u>

Total Current Liabilities 95,858.20

LONG-TERM LIABILITIES

LG/TR PAY SALES TAX REFUND	3,499.01
Lg/Tr Pay Police Auto Tahos (2)	64,666.95
Lg/Tr Pay Tractor Kubota	40,416.85
LG TERM GEN OBLIGA BOND - 2007	2,320,000.00
LG TERM GEN OBLIGA BOND - 2011	1,479,058.00
LG TERM CERT OF OBLIGA BONE - 20	480,000.00
LG TERM PREMIUM GEN & CERT OBL	<u>196,603.45</u>

Total Long-Term Liabilities 4,584,244.26

Total Liabilities 4,680,102.46

FUND EQUITY

TOTAL LIABILITIES & EQUITY \$ 4,680,102.46

**G/A FIXED ASSETS CITY OF PRAIRIE VIEW
BALANCE SHEET
As of September 30, 2015**

ASSETS

CURRENT ASSETS

PROPERTY AND EQUIPMENT

Land Gen	145,818.35	
Building	63,322.27	
Building - New City Hall -	962,190.03	
City Park Rest Room & Landscape	58,208.37	
Improvements (Ex Bldg) Gen	218,980.08	
Machinery and equipment Gen	102,310.47	
Voting Machines	31,042.10	
Generator City Hall	54,064.00	
Auto & trucks	325,960.46	
Police Tahoe #1 HKS	45,046.72	
Police Tahoe #2 AN	43,905.55	
Office equipment	216,777.48	
Police Ballistic Vest	3,487.16	
Furniture & fixtures	44,977.70	
Streets & Roads	1,131,282.56	
Phillips Street Addition	29,133.00	
Software System	12,057.00	
Body Cameras Police	4,111.07	
Kubota Tractor/Front Loader	45,806.95	
Batwing Mower 12'	10,450.00	
Playground Equipment	55,632.54	
Total Fixed Assets	<u>3,604,563.86</u>	
Net Property and Equipment		<u>3,604,563.86</u>
TOTAL ASSETS		<u>\$ 3,604,563.86</u>

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

LONG-TERM LIABILITIES

FUND EQUITY

Fund Equity Inv. Fixed Assets	<u>3,604,563.86</u>	
Ending Fund Balance		<u>3,604,563.86</u>
TOTAL LIABILITIES AND FUND BALANCE		<u>\$ 3,604,563.86</u>

See Accountants' Compilation Report



**CITY OF PRAIRIE VIEW
FINANCIAL STATEMENTS**

**CONSOLIDATED
FINAL
FOR
FISCAL YEAR ENDED
SEPTEMBER 30, 2015
UNAUDITED**

CITY OF PRAIRIE VIEW

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SEPTEMBER 30, 2015

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P V CRIME CONTROL & PREVENTION REVENUE AND EXPENDITURES	9
PUBLIC WORKS (ENTERPRISE) FUND REVENUE AND EXPENDITURES	10

CITY OF PRAIRIE VIEW
 COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
 SEPTEMBER 30, 2015

TAB H

ASSETS	GOVERNMENTAL FUND TYPES				SALES TAX CORPORATIONS			PROPRIETARY FUND TYPE		COMPARATIVE YEARS	
	GENERAL	SPECIAL REVENUE	DEBT SERVICE	CRIME CONTROL & PREVENTION	4-B ECONOMIC DEVELOPMENT	CRIME CONTROL & PREVENTION	ENTERPRISE PUBLIC WORKS	GENERAL FIXED ASSETS	LONG-TERM DEBT	2015	2014
1 Cash	376,074		62,040		571,024	38,277	170,957		1,268,240	922,049	
15 Cash - Gen. Oblig. & Rev. Bonds							919,305		1,073,012	1,115,307	
2 Savings	978								976	976	
14 Certificates of deposit											
14 Receivable Accounts:											
3 Taxes - Property	104,113		85,911						236,665	273,645	
3 Taxes - Property Revenue	7,140								32,950	19,044	
3a Taxes - Franchise	5,476								1,457	469	
17 Water & Sewer Billings							475,714		426,939	396,326	
18 Less allowance for bad Utilities billings							(20,000)		(20,000)	(20,000)	
4 Odyssey Training Loan			53,180						53,180		
4 Others									10,171	1,232	
Employee Insurance											
PV 4-B Eco. Development Corp.	240								240	0	
5 Accrued Franchise Taxes & Ins. Cl.											
6 Texas Sales Taxes	50,634			20,240					70,874	39,027	
Due from other funds:											
Debt-service											
6a Public Works	292,806								292,806	243,582	
54 General fund			246						246	22,031	
62 Crime Control	(5,617)								(5,617)	10,532	
Total Current Assets	\$831,844	\$0	\$148,197	\$644,444	\$38,277	\$1,545,976	\$0	\$0	\$3,208,738	\$3,399,507	
Restricted assets										\$3,005,779	
Cash											
Certificates of Deposit											
Total Restricted Assets											
Property and Equipment											
Construction-in-Progress											
19a Land				4,060					0	64,736	
19 Improvements other than buildings									149,879	145,819	
20 Building									223,583	223,583	
63 City Park Rest Room & Landscape									63,322	63,322	
63a Machinery and equipment									962,190	962,190	
21 Lift Station Upgrades									58,208		
21a Auto & Truck									1,147,770	1,147,771	
22 Auto Police Tahoes (2)									340,440	340,440	
23 Office Equipment									340,814	340,813	
23a Police Billistic vests									88,952		
23b Software Systems									225,318	222,672	
24a Playground Equipment									3,487		
24b Park Security System									12,057	18,747	
24 Furniture & Fixtures									4,111	4,111	
24a Voting Machines									55,633	55,633	
24b Generator - City Hall									2,467		
55 Phillip Street Addition									50,985	50,985	
Tractor									31,042	31,042	
Batwing Mower 12'									54,064	54,064	
40 Street & Road									29,133	29,133	
40a Const-in-Prog New City Hall									56,727	10,920	
40b Const-in-Prog City Streets									10,450		
25 Water Well System #2									1,131,283	1,131,283	
26a Water Well System #3									0	0	
26b Water Well #3 Storage Tk									0	0	
25a Elevated Water Tower Upgrade									364,100	364,099	
									800,776	800,776	
									384,000	44,680	
									282,725	282,725	

CITY OF PRAIRIE VIEW
COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
SEPTEMBER 30, 2015

TAB H

	GOVERNMENTAL FUND TYPES					SALES TAX CORPORATIONS			PROPRIETARY FUND TYPE		COMPARATIVE YEARS		
	GENERAL	SPECIAL REVENUE	DEBT SERVICE	CRIME CONTROL & PREVENTION		ECONOMIC DEVELOPMENT	ENTERPRISE PUBLIC WORKS		GENERAL FIXED ASSETS	GENERAL LONG-TERM DEBT	2015	2014	2013
				4-B	CRIME CONTROL & PREVENTION		ENTERPRISE PUBLIC WORKS						
26							206,576			206,576	206,576	206,576	
27							30,011			30,011	30,011	30,011	
28							468,848			468,848	468,848	468,848	
28a							19,162			19,162	19,162	19,162	
29a							413,106			413,106	413,106	413,106	
29							2,252,942			2,252,942	2,252,942	2,252,942	
56							157,944			157,944			
41													
	0	0	0	5,527	0	5,527	5,817,704	3,604,564	0	10,428,795	9,776,078	9,569,488	
30	\$0	\$0	\$0	\$5,527	\$0	\$5,527	(4,067,001)	\$3,604,564	\$0	(4,067,001)	(3,831,210)	(3,555,858)	
43							\$2,750,703			\$6,361,794	\$5,944,858	\$6,013,530	
									95,858	95,858	95,558	107,474	
									4,584,244	4,584,244	4,566,894	4,661,325	
44	\$831,844	\$0	\$148,197	\$650,971	\$38,277	\$4,296,679	\$3,604,564	\$4,680,102	\$14,250,634	\$13,946,827	\$13,782,208		
Total Assets													

CITY OF PRAIRIE VIEW
COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
SEPTEMBER 30, 2015

TAB H

	GOVERNMENTAL FUND TYPES				SALES TAX CORPORATIONS			PROPRIETARY FUND TYPE		COMPARATIVE YEARS		
	GENERAL	SPECIAL REVENUE	DEBT SERVICE	4-B ECONOMIC DEVELOPMENT	CRIME CONTROL & PREVENTION	ENTERPRISE		GENERAL FIXED ASSETS	GENERAL LONG-TERM DEBT	2015	2014	2013
						PUBLIC	WORKS					
LIABILITIES												
CURRENT DEBT:												
Accounts payable others & accruals	7	42,037								70,121	71,616	46,089
Accrued liabilities - Professional fee	11	16,000								16,000	16,000	16,000
Accrued Municipal Court Collections	9									0	0	0
Differed delinquent property taxes	14	104,113	85,311							190,024	236,664	273,645
Payroll taxes payable accrued	12	9,928								9,928	3,982	3,874
Accounts Payable Bus Loan										0	54,000	
Accts Pay PV Univ Waste Wtr loan Cr	50									48,023	67,777	44,043
Accts. Pay - Unclaimed Checks	64									0	0	0
Wages payable accrued	13									0	0	0
Accts. Pay - Emp Ins & Garnishments	65									0	0	0
General obligation bonds - current	45	(4,833)								(4,833)	0	0
Certificate obligation bonds - current										60,942	82,208	70,136
Revenue bonds - current	32									10,000	0	0
Accts. Pay Eco. & Devp Corp. - A & B	63	20,239								20,239	8,677	9,664
Accts. Pay - Severn Trent Maint.	58									0	0	78,271
Accts Pay Severn Trent - Differed	58a									0	0	0
Due to Debt Services	49	246								246	15,716	22,031
Due to Public Works										0	0	0
Due to General Fund	58a									0	0	0
Line Relocation - Univ. Dr.	49a				(5,617)					287,429	254,354	231,233
Bank Loans & Notes payable current:				240						0	0	0
State Bank Public Works Loan current	57									0	0	0
Sewer Jet Machine	69									0	0	0
Prairie View Univ Waste Wtr Treat Loan	9a									0	0	0
State Bank 1 yr loan	56									0	0	0
Voting Machines loan										0	0	0
Tractor loan										0	7,350	12,197
Police Vehicle loan	46									15,345	9,404	0
New Water Well System loan										15,333	0	13,141
Total current liabilities		\$137,730	\$0	\$85,911	\$240	(\$5,617)	\$374,675	\$5,368	\$738,797	\$827,748	\$820,324	
LONG TERM DEBT:												
P V Univ Waste Wtr Loan	33									197,359	249,285	295,123
Sales Tax Refund Texas										3,499	3,499	10,499
New Water Well System loan										0	0	0
State Bank Public Works Loan	36									0	0	0
Emergency Wtr Payable Prairie View Univ	37									0	0	0
Sewer Jet Machine	60									0	0	0
Police Vehicle loan										64,667	0	0
Equipment - Tractor loan	61									40,417	0	0
Voting Machine loan										0	0	0
General & Certificate obligation bonds	66									0	0	7,358
Revenue bonds	34									4,475,661	4,563,395	4,643,468
Other - Equipment & vehicle loans	46									0	0	0
Customer utilities deposits										0	0	0
Total Longterm Liabilities	35	\$0	\$0	\$0	\$0	\$0	133,366	\$0	\$0	110,639	87,257	
Total liabilities		\$137,730	\$0	\$85,911	\$240	(\$5,617)	\$705,400	\$4,914,969	\$4,928,318	\$5,653,766	\$5,654,029	
FUND EQUITY												
Investment in General Fixed Assets	42									3,604,564	3,392,352	3,247,602
Retain Earnings:										0	0	0
Unreserved	15	644,114			650,731	43,894	3,591,279	4,930,018	4,768,804	4,541,527	4,541,527	
Reserved:										0	0	0

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CITY OF PRAIRIE VIEW
 COMBINED BALANCE SHEET - ALL FUND TYPES AND ACCOUNT GROUPS
 SEPTEMBER 30, 2015

TAB H

	GOVERNMENTAL FUND TYPES		SALES TAX CORPORATIONS 4-8			PROPRIETARY FUND TYPE		COMPARATIVE YEARS			
	GENERAL	SPECIAL REVENUE	DEBT SERVICE	ECONOMIC DEVELOPMENT	CRIME CONTROL & PREVENTION	ENTERPRISE PUBLIC WORKS	GENERAL LONG-TERM DEBT	FIXED ASSETS	2015	2014	2013
									2015	2014	2013
Reserved for Bond Projects			62,286						0	0	0
Reserved for debt service									62,286	31,105	29,160
Reserved for Collections									0	0	0
Total Fund Equity	\$644,114	\$0	\$62,286	\$650,731	\$43,894	\$3,591,279	\$0	\$3,604,564	\$8,586,868	\$8,192,261	\$7,918,179
Total Liabilities and Fund Equity	\$831,844	\$0	\$148,197	\$650,971	\$38,277	\$4,296,679	\$4,680,102	\$3,604,564	\$14,250,634	\$13,946,827	\$13,782,208

UNAUDITED

CITY OF PRAIRIE VIEW
 COMBINED STATEMENT OF REVENUES, EXPENDITURES
 AND CHANGES IN FUND BALANCE - ALL GOVERNMENTAL FUND TYPES
 Year Ended September 30, 2015

		GOVERNMENTAL FUND TYPES			TOTAL		
		GENERAL	SPECIAL REVENUE	DEBT SERVICE	COMPARATIVE YEARS		
					2015	2014	2013
Revenue:							
Taxes (property, sales and Franchise)	1	\$929,852		\$369,443	\$1,299,295	\$1,253,660	\$1,158,068
Licenses and permits	2	9,034			9,034	8,847	7,152
Intergovernmental (Police) Grant	3				0	0	0
Police Education State Funds	12				0	0	0
Police Confiscated Drug Funds	12a				0	0	1,000
Municipal Court Fines and Forfeitures	4	119,374			119,374	79,602	112,248
Miscellaneous revenues	5				0	1,505	0
Prop. Tax Collections Related Revenue	6	94,122			94,122	100,457	91,864
Funds Economic Development A Corp.	5a				0	0	0
Funds Economic Development B Corp.	6a				0	0	0
Hotel Occupancy Tax	8a				0	0	0
Misc. Funds Grants or Bond Issues	11				0	0	29,800
Revenue - Due To/From Account Close	8	(1)			(1)	0	126,228
Funds From PV Crime Control & Prevention Corp.	9a	58,764			58,764	63,192	44,433
Funds From Public Wks Oper Mgr	9b				0	0	0
Founders Day Funds	9				0	0	0
Gain/Loss Asset Transfer	10a				0		
Sales Tax Street Repairs	10	69,018			69,018	73,359	62,100
Insurance Claims	7a	231			231	843	0
Interest & dividends	7	2,262		406	2,668	2,605	2,784
Total revenues		\$1,282,658	\$0	\$369,849	\$1,652,505	\$1,584,070	\$1,635,877
Expenditures:							
Advertising	19	\$5,982			\$5,982	\$2,798	\$5,536
Election Expense	56	11,656			11,656	18,888	15,956
Appraisal district fee	18	12,732			12,732	13,642	14,634
Equipment lease & rentals	35	18,780			18,780	12,499	10,494
Bank & Credit Card Charges	37	198		35	233	1,260	1,687
Contract labor	33	730			730	9,362	21,127
Councilmember expense	19	13,882			13,882	13,943	28,153
Janitorial City hall		5,393			5,393	4,693	5,101
Permit Inspector	15	7,704			7,704	6,485	2,385
Office supplies	25	25,299			25,299	16,893	17,252
Dues & subscriptions	31	6,667			6,667	5,744	4,567
Fuel expense	28	23,105			23,105	34,663	33,551
Insurance - Property	30	16,408			16,408	15,839	14,856
Insurance Emp. (Med., Life & Unemp.)	21	25,389			25,389	38,263	34,689
Interest expense - bonds	50			232,139	232,139	253,653	237,320
Interest expense - loans	51			144	144	2,624	3,312
Bond Issue Cost	67				0	0	0
Employee bonding	24	336			336	250	250
Security Systems		4,252			4,252	7,518	8,738
Jury expense	42	114			114	0	0
Medical Arrest Charges		175			175	1,475	4,302
Operating supplies	26	3,779			3,779	652	7,239
Other payroll expense - taxes	54	36,822			36,822	41,031	29,905
Payroll 401K Expense	55	36,974			36,974	31,015	31,691
Postage expense	29	4,140			4,140	2,513	1,754
Legal	57	109,207			109,207	55,773	51,544
Accounting	58	27,365			27,365	23,210	23,303
Auditing	16	16,000			16,000	16,000	16,000
Engineering	59				0	0	0
Computer & Software	60	19,194			19,194	13,603	16,764
Opera. & Human Resource Mgr.	66				0	0	0
P.V. Volunteer fire department	44	9,000			9,000	8,250	9,000
Repairs - equipment	36	16,952			16,952	4,538	12,681
Repairs - Building		3,286			3,286		
Refunds -	46	5,500			5,500	7,000	6,000
Rent expense - building	34				0	0	0
Recreation & Awards		1,075			1,075	2,639	0
Street repair & Grass Cutting	40	32,068			32,068	85,737	58,668
Repairs & Maint. - Auto & Truck	39	8,688			8,688	26,459	21,210
Salaries & wages W/2	13	488,644			488,644	462,769	389,302
State court costs	38	51,449			51,449	27,877	37,004
Telephone expense	23	26,652			26,652	30,313	29,227
Local Bus Transit Service	43				0	0	0
Workshops, conferences & travel	47	26,826			26,826	19,809	16,099
Ditch/Culvert Cleaning		60,993			60,993		
Animal Disposal	61	3,860			3,860	8,648	7,736
City Park Expense	65	4,592			4,592	2,496	1,201
Uniform & special clothing	45	5,840			5,840	619	571
City Ordinance Prep/Comprehensive Plan	32				0	0	29,800

CITY OF PRAIRIE VIEW
 COMBINED STATEMENT OF REVENUES, EXPENDITURES
 AND CHANGES IN FUND BALANCE - ALL GOVERNMENTAL FUND TYPES
 Year Ended September 30, 2015

	GOVERNMENTAL FUND TYPES			TOTAL COMPARATIVE YEARS		
	GENERAL	SPECIAL REVENUE	DEBT SERVICE	2015	2014	2013
Revenue:						
Electricity	22	34,224		34,224	27,814	25,482
Property Tax Assor\Coll	17	18,000		18,000	18,000	16,553
Transfers - Due To\From Account Close	63			0	0	0
Founders Day Celebration Cost	27			0	0	0
Warrent & Prop. Tax Deliq. Atty Fees	41	35,809		35,809	37,118	35,307
Total Expenditures		\$1,265,741	\$0	\$232,318	\$1,498,059	\$1,414,375
						\$1,337,940
OPERATING REVENUE OVER EXPEND. OR (DEFICIT)		\$16,915	\$0	\$137,531	\$154,446	\$169,695
Other: Increase (Decrease)						\$297,737
Transfers Due To \ From Acct.				0	0	0
Depreciation	64			0	0	0
Payments Capital Outlay	48	(24,003)		(24,003)	(44,850)	0
Payments on Debt Principle	52			(106,350)	(93,346)	(107,061)
Net Fund Chg. Rev./Exp. over (under)		(\$7,088)	\$0	\$31,181	\$24,093	\$31,499
Beginning Fund Balance		651,202	0	31,105	682,307	650,808
Adjustments - Prior period	53			0	0	1,779,002
- Others (Transfers)				0	0	0
Ending Fund Balance		\$644,114	\$0	\$62,286	\$706,400	\$682,307
						\$650,808

UNAUDITED

CITY OF PRAIRIE VIEW
 GENERAL FUND EXPENDITURES
 OCTOBER, 2014 THRU SEPTEMBER, 2015

ACCOUNT	1XXX	2XXX	3XXX	TOTAL
	GENERAL FUND	POLICE	MUNICIPAL COURT	
601 WAGES	108,876.26	290,857.84	88,909.97	488,644.07
604 PAYROLL TAXES	8,161.15	21,703.59	6,957.73	36,822.47
604.04 PAYROLL 401K EXPENSE	9,040.66	21,052.50	6,880.61	36,973.77
611 EMPLOYEE INSURANCE	5,425.85	18,584.97	1,378.42	25,389.24
620.01 TRANS PAID FOR PUBL WKS				0.00
621 LEGAL	100,207.02		9,000.00	109,207.02
622 ACCOUNTING	27,365.00			27,365.00
623 ENGINEERING				0.00
624 SOFTWARE	11,810.96	4,747.70	2,635.04	19,193.70
625 AUDITING	16,000.00			16,000.00
626 PERMIT INSPECTOR	7,703.75			7,703.75
627 PROPERTY TAX COLLECTION	18,000.00			18,000.00
627.01 ATTY COST PROP TAX COLLECTION				0.00
627.02 PROPERTY TAX OVERPAYMENTS				0.00
701.01 ELECTRICITY	28,017.14	3,103.84	3,102.46	34,223.44
703 TELEPHONE	10,757.14	11,489.41	4,405.28	26,651.83
900 EMP BONDING	150.00		185.94	335.94
901 COUNCIL EXPENSE	13,881.83			13,881.83
902 JANITORIAL CITY HALL	5,393.00			5,393.00
903 SUPPLIES OFFICE	21,468.41	2,401.27	1,430.03	25,299.71
904 OPERATING SUPPLIES	1,529.68	2,249.30		3,778.98
905 CITY PARK EXPENSE	4,592.00			4,592.00
907 FUEL	3,005.33	20,100.10		23,105.43
908 POSTAGE	3,239.23	398.00	503.00	4,140.23
909 PROPERTY INSURANCE	4,563.94	10,847.02	997.00	16,407.96
910 INTEREST				0.00
911 REFUNDS	5,500.00			5,500.00
912 DUES & SUBSCRIPTIONS	5,629.04	447.00	591.28	6,667.32
914 CONTRACT SERVICES	730.00			730.00
915 ADVERTISING	5,981.50			5,981.50
916 ELECTION EXPENSE	11,655.79			11,655.79
917 APPRAISAL DISTRICT CHG	12,731.79			12,731.79
931 CITY COMPREHENSIVE PLAN				0.00
919 RENT BUILDING				0.00
920 SECURITY SYSTEMS	4,251.63			4,251.63
921 LEASE EQUIP	6,657.40	6,564.79	5,557.76	18,779.95
922 REPAIRS MAINT.	15,597.71	677.48	677.47	16,952.66
923 RECREATION & AWARDS	1,074.91			1,074.91
924 Ditch/Culvert Cleaning	60,993.25			60,993.25
925 BANK & CREDIT CARD FEES	24.60		173.20	197.80
927 COURT COST			51,449.24	51,449.24
929 REPAIRS VEHICLE	143.16	8,544.72		8,687.88
930 REPAIR STREET & GRASS CUTTING	32,068.00			32,068.00
933 ANIMAL CONTROL	3,860.00			3,860.00
934 UNIFORMS		5,839.95		5,839.95
936 WORKSHOPS CONF.	15,258.64	7,446.19	4,120.99	26,825.82
937 REPAIRS & MAINT. BLDG.	3,286.00			3,286.00
940 WARRENTS & ATTY COLLECTIONS	35,808.79			35,808.79
943 JURY EXP			114.00	114.00
949 MEDICAL ARREST CHARGES		175.00		175.00
951 PV VOL FIRE DEPT	9,000.00			9,000.00
955 LITIGATION SERVICES				0.00
968 EXPENSE DUE FROM PUBLIC WKS				0.00
TOTAL	639,440.56	437,230.67	189,069.42	1,265,740.65
OTHER DEDUCTIONS				
970 CAPITAL OUTLAY	1,196.00	22,807.45		24,003.45
GRAND TOTAL	640,636.56	460,038.12	189,069.42	1,289,744.10

UNAUDITED

CITY OF PRAIRIE VIEW
4-B ECONOMIC DEVELOPMENT CORPORATION
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE YEAR ENDED SEPTEMBER 30, 2015

REVENUE	ACTUAL 2015	ACTUAL 2014	ACTUAL 2013
Sales Tax Revenue	137,988	146,667	124,238
Interest Revenue	2,326	1,716	1,685
TOTAL REVENUE	\$140,314	\$148,383	\$125,923
EXPENDITURES			
Accounting	2,600	2,665	2,535
Legal		240	2,089
Advertising	8,813	4,869	619
Business Grants			
Supplies	62	64	1,646
City Economic Dev. Consultant			9,000
Printing & Postage	46		
City Direct Business Incentive	14,653	25,826	34,715
Website Admin			
City Birthday Celebration (Marketing)			
Postal Box Rental			
Lease Equipment			
Bonding			
Consultant - Teex Proj Consultant			
Consultant - Retail Coach			
Consulting IMST Corp			
Dues & Subscriptions	1,000	2,300	10,020
Rent - Meetings			
Workshops, Conf. & Travel	2,906	4,695	5,516
Software & Computer Svc.			
Bank Charges			
Contract Svc			
TOTAL EXPENDITURES	30,080	40,659	66,140
OPERATING REVENUE OVER (DEFICIT)	110,234	107,724	59,783
LESS			
Capital Outlay			
Loss on Asset Sale/Retire			
NET FUND CHG. OVER (UNDER)	110,234	107,724	59,783
BEGINNING FUND BALANCE	544,705	436,981	368,438
Fund Capital Transfers to City	(58,208)		
Fund Account Adjustment	54,000		8,760
ENDING FUND BALANCE	\$650,731	\$544,705	\$436,981

UNAUDITED

CITY OF PRAIRIE VIEW
 CRIME CONTROL & PREVENTION CORPORATION
 STATEMENT OF REVENUE AND EXPENDITURES
 FOR THE YEAR ENDED SEPTEMBER 30, 2015

	ACTUAL 2015	ACTUAL 2014	ACTUAL 2013
REVENUE			
Sales Tax Revenue	62922	\$72,221	\$61,912
Interest Revenue	266	219	235
Total Revenue	\$63,188	\$72,440	\$62,147
EXPENDITURES			
Workshops, Conf. & Travel			
Bank Charges			
Lease Equipment			
Transf. to Gen Fund Police Chief Salary	63096	63192	51,608
Advertising			
Supplies			
Crime Seminars			
Police Chief Salary			
Dues & Subscriptions			
Total Expenditures	63,096	63,192	51,608
OPERATING FUND CHG. OVER (DEFICIT)	92	9,248	10,539
LESS			
Capital Outlay			
NET FUND CHG. OVER (UNDER)	92	9,248	10,539
BEGINNING FUND BALANCE	43802	34,554	24,015
Fund Account Adjustments			
ENDING FUND BALANCE	\$43,894	\$43,802	\$34,554

UNAUDITED



**CITY OF PRAIRIE VIEW
FINANCIAL STATEMENTS**

**CURRENT MONTH
SEPTEMBER, 2015
AND
YEAR - TO - DATE
UNAUDITED**

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CITY OF PRAIRIE VIEW
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CITY OF PRAIRIE VIEW
ACTUAL
FUNDS ANALYSIS
FOR THE PERIOD
OCTOBER, 2014 THRU SEPTEMBER, 2016

AS OF SEPTEMBER, 2015

DESCRIPTIONS	GEN FUND 2014-15 ACTUAL	PUBLIC WORKS 2014-15 ACTUAL	DEBT SERVICE 2014-15 ACTUAL	P V CRIME CONTROL 2014-15 ACTUAL	P V ECO DEV 4-B 2014-15 ACTUAL	TOTAL 2014-15 ACTUAL
CURRENT FUND CHANGE:						
FUNDS	\$1,282,857	\$1,106,148	\$369,849	\$63,188	\$140,315	\$2,962,157
LESS EXPENDITURES:						
EXPENSES (Incl. debt prin.)	\$1,265,741	\$947,318	\$338,668	\$63,096	\$30,080	\$2,644,903
OPERATING FUND INCRE (DECRE)	\$16,916	\$158,830	\$31,181	\$92	\$110,235	\$317,254
OTHERS FUNDS CHANGES:						
PLUS						
Water Well #3 Project Grant Funds		\$189,120				\$189,120
Lift Station generators (2) Grant Funds						\$0
From, Reserve Funds						\$0
(LESS)						
Water Well #3 Storage Tk Capital Outlay		(\$203,690)				(\$203,690)
High Point Force Main Relocation Capital Outlay		(\$157,845)				(\$157,845)
Debt Principle Paid		(\$48,870)				(\$48,870)
Projectors (2) City Hall	(\$1,196)					(\$1,196)
Equipment Police Tahoes	(\$15,209)					(\$15,209)
Police Body Cameas	(\$4,111)					(\$4,111)
Police Ballistic Vests	(\$3,487)					(\$3,487)
TOTAL CURR FUND CHG INCRE (DECRE)	(\$7,087)	(\$62,455)	\$31,181	\$92	\$110,235	\$71,966
NON-CASH OUTLAYS:						
LESS:						
						\$0
						\$0
						\$0
Depreciation		(235,794)				(\$235,794)
						\$0
						\$0
						\$0
TOTAL CAPITAL OUTLAYS	\$0	(\$235,794)	\$0	\$0	\$0	(\$235,794)
PAYMENT ON DEBT:						
						\$0
						\$0
						\$0
						\$0
TOTAL DEBT PAYMENTS	\$0	\$0	\$0	\$0	\$0	\$0
NET FUND CHG INCRE (DECRE)	(\$7,087)	(\$298,249)	\$31,181	\$92	\$110,235	(\$163,826)

CITY OF PRAIRIE VIEW CASH POSITION AS OF SEPTEMBER, 2015

PVCASH

NON-ALLOCATED CASH:	<u>AMOUNT</u>
TAX DEPT.	\$242,897
OPERATING CASH:	
GENERAL ADMIN:	
GENERAL FUND	(\$2,967)
MUNICIPAL COURT	<u>\$71,606</u>
TOTAL GEN ADMIN.	\$68,639
PUBLIC WORKS	<u>\$90,339</u>
TOTAL OPERATING CASH	\$158,978
ALLOCATED CASH:	
PAYROLL	<u>\$28,587</u>
	\$28,587
MUNICIPAL COURT	
MUNI COURT BUILDING	\$15,610
MUNI COURT TECHNOLOGY	<u>\$19,518</u>
TOTAL MUNI COURT	\$35,128
POLICE	
POLICE EDUCATION	\$1,904
POLICE DRUG FUND	<u>\$3,851</u>
TOTAL POLICE	\$5,755
WATER AND SEWER BOND FUNDS- 2007	\$358
GENERAL OBLIGATION BONDS - 2011	\$891,103
CERTIFICATE OF OBLIGATION BONDS - 2011	\$28,202
WATER WELL #3 PROJECT GRANT	\$10,751
GENERAL FUND PETTY CASH	\$750
PRAIRIE VIEW CREDIT UNION - SAVINGS	\$976
STREET MAINTENANCE FUND	\$15,862
PUBLIC WORKS WATER DEPOSIT ESCROW	\$69,509
DEBT. SERVICE - GEN. OBLIGA. & REVENUE BONDS	\$62,040
HOTEL OCCUPANCY	<u>\$142</u>
TOTAL ALLOCATED CASH	\$1,149,163
TOTAL CITY OF PRAIRIE VIEW OPERATING CASH	\$1,551,038
PLUS:	
P V CRIME CONTROL & PREVENTION	\$38,277
P V 4-B ECO. DEV. CORP.	<u>\$571,024</u>
TOTAL CASH AVAILABLE	<u>\$2,160,339</u>

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
BALANCE SHEET
As of September 30, 2015

ASSETS

CURRENT ASSETS

Cash	\$	376,073.54
Savings P V Fed Cr Union		978.36
Receivables Property Taxes		104,113.11
Sales Taxes Receivables		50,634.11
Due From Eco Dev B Corp		240.00
Due From Water & Sewer Fund		292,806.25
Due From Crime Control		(5,617.15)
Accrued Revenue Receivable		5,476.15
Property Taxes Pay\Rec		<u>7,140.07</u>

Total Current Assets \$ 831,844.44

PROPERTY AND EQUIPMENT

TOTAL ASSETS \$ 831,844.44

LIABILITIES AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES

Deferred Prop Tax Revenue	\$	104,113.11
Acc Pay PV Eco Dev Corp B		20,239.38
Accrued Lia Prof Fees Payable		16,000.00
Accrued Liab Others Payable		42,037.47
Accrued Payroll Taxes Payable		9,927.53
401K Emp. & Valic Emp.ins. payable		(812.81)
Empl. Disability Ins. Payable		(4,801.49)
Garnishments/child support		780.96
Due to Debt Svc Fund		<u>245.98</u>

Total Current Liabilities \$ 187,730.13

LONG-TERM LIABILITIES

Total Liabilities 187,730.13

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
BALANCE SHEET
As of September 30, 2015

FUND EQUITY	
Fund Equity Beg. Balance	(1,820,187.69)
Fund Prior Period Adjustment	2,471,389.00
Retained Earnings	<u>(7,087.00)</u>
 Ending Fund Balance	 <u>644,114.31</u>
 TOTAL LIABILITIES AND FUND BALANCE	 <u>\$ 831,844.44</u>

See Accountants' Compilation Report

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
INCOME STATEMENT
Actual vs. Budget

	1 Month September 30, Actual	1 Month Ended September 30, Budget	12 Months Ended September 30, Actual	12 Months Ended September 30, Budget	Over / Under Variance
Revenue					
Property Taxes Collected	\$ 3,790.52	\$ 29,316.63	\$ 367,129.79	\$ 351,800.00	\$ 15,329.79
Franchise taxes revenue	28,083.42	20,833.37	286,828.60	250,000.00	36,828.60
City Sales Tax Revenue	28,851.30	23,083.37	275,895.10	277,000.00	-1,104.90
Licenses and permits	70.80	775.00	9,034.09	9,300.00	-265.91
Municipal Court Revenue Fines	(3,155.00)	7,500.00	119,374.49	90,000.00	29,374.49
Miscellaneous	0.00	83.37	0.00	1,000.00	-1,000.00
Interest and dividends	143.00	183.26	2,261.59	2,200.00	61.59
Insurance Claims Received	230.91	166.63	230.91	2,000.00	-1,769.09
Deliq. Penalty Prop. Tax Rev.	4,051.84	4,650.00	94,121.58	55,800.00	38,321.58
Funds Eco. Dev. B Corp.	(1.40)	0.00	(1.40)	0.00	-1.40
Sales Tax Street Repairs	7,235.64	5,766.63	69,018.14	69,200.00	-181.86
Funds - Crime Control Chief Sal	2,767.69	5,641.63	58,764.21	67,700.00	-8,935.79
Less Returns & Allowances	0.00	0.00	0.00	0.00	0.00
Total Revenue	<u>72,068.72</u>	<u>97,999.89</u>	<u>1,282,657.10</u>	<u>1,176,000.00</u>	<u>106,657.10</u>
Gross Revenue	<u>72,068.72</u>	<u>97,999.89</u>	<u>1,282,657.10</u>	<u>1,176,000.00</u>	<u>106,657.10</u>
Operating Expenses					
Salaries and wages	78,930.94	44,233.37	488,644.07	530,800.00	42,155.93
Payroll Taxes	5,283.91	3,483.26	36,822.47	41,800.00	4,977.53
Payroll 401k Expense	3,072.46	3,150.00	36,973.77	37,800.00	826.23
Insurance Employees	(5,560.39)	3,316.74	25,389.24	39,800.00	14,410.76
Legal	18,780.00	4,333.37	109,207.02	52,000.00	(57,207.02)
Accounting	11,505.00	2,433.37	27,365.00	29,200.00	1,835.00
Computer & Software Svc	1,050.25	650.00	19,193.70	7,800.00	(11,393.70)
Auditing	1,333.29	1,416.63	16,000.00	17,000.00	1,000.00
Permit Inspector	670.00	400.00	7,703.75	4,800.00	(2,903.75)
PROPERTY TAX COLLECTOR	1,500.00	1,500.00	18,000.00	18,000.00	0.00
Electricity	6,799.03	2,333.37	34,223.44	28,000.00	(6,223.44)
Telephone	2,161.86	2,583.37	26,651.83	31,000.00	4,348.17
Employee Bonding	0.00	41.63	335.94	500.00	164.06
Council Expense	5,506.22	1,125.00	13,881.83	13,500.00	(381.83)
Janitorial - City Hall	450.00	366.63	5,393.00	4,400.00	(993.00)
Supplies-Office	1,148.46	808.37	25,299.71	9,700.00	(15,599.71)
Supplies-Operating	(7,218.23)	2,666.63	3,778.98	32,000.00	28,221.02
City Park Expense	0.00	425.00	4,592.00	5,100.00	508.00
Fuel	4,237.89	3,475.00	23,105.43	41,700.00	18,594.57
Postage	269.56	200.00	4,140.23	2,400.00	(1,740.23)
Insurance-Property/Casualty	1,206.42	1,441.63	16,407.96	17,300.00	892.04
Refunds	500.00	500.00	5,500.00	6,000.00	500.00
Dues & Subscriptions	57.00	316.63	6,667.32	3,800.00	(2,867.32)
Contract services	0.00	183.26	730.00	2,200.00	1,470.00
Advertising	274.58	166.63	5,981.50	2,000.00	(3,981.50)
Election Expense	0.00	1,400.00	11,655.79	16,800.00	5,144.21
Appraisal District Charges	3,174.46	1,150.00	12,731.79	13,800.00	1,068.21
Security System	594.70	666.63	4,251.63	8,000.00	3,748.37
Lease-Equipment & Auto	1,685.93	666.74	18,779.95	8,000.00	(10,779.95)
Repairs & Maintenance-M&E	659.00	291.63	16,952.66	3,500.00	(13,452.66)
Recreation & Awards	0.00	83.37	1,074.91	1,000.00	(74.91)
Ditch Cleaning	0.00	0.00	60,993.25	0.00	(60,993.25)
Bank charges	0.00	91.74	197.80	1,100.00	902.20
State court cost	19,046.19	2,100.00	51,449.24	25,200.00	(26,249.24)
Repairs & maintenance-Vehicle	249.94	1,383.26	8,687.88	16,600.00	7,912.12
Repairs-street & bridge	0.00	2,083.37	32,068.00	25,000.00	(7,068.00)
Animal Disposal	0.00	666.63	3,860.00	8,000.00	4,140.00
Uniforms & clothing	66.95	416.63	5,839.95	5,000.00	(839.95)
Workshops, Conference, Travel	6,535.25	1,541.63	26,825.82	18,500.00	(8,325.82)
Repairs & maintenance-bldg	0.00	0.00	3,286.00	0.00	(3,286.00)
Warrant & Atty. Collections	5,272.52	2,500.00	35,808.79	30,000.00	(5,808.79)

See Accountants' Compilation Report

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
INCOME STATEMENT
Actual vs. Budget

	1 Month September 30, Actual	1 Month Ended September 30, Budget	12 Months Ended September 30, Actual	12 Months Ended September 30, Budget	Over / Under Variance
Jury expense	0.00	25.00	114.00	300.00	186.00
Mowing & cleaning lots	0.00	500.00	0.00	6,000.00	6,000.00
Medical Arrest Charges	175.00	133.37	175.00	1,600.00	1,425.00
PV volunteer fire department	750.00	750.00	9,000.00	9,000.00	0.00
Total Operating Expenses	<u>170,168.19</u>	<u>97,999.89</u>	<u>1,265,740.65</u>	<u>1,176,000.00</u>	<u>-89,740.65</u>
Oper. Fund Chg (Less)	<u>(98,099.47)</u>	<u>0.00</u>	<u>16,916.45</u>	<u>0.00</u>	<u>16,916.45</u>
Other Fund Chg. (Less)					
Capital Outlay	<u>(7,598.23)</u>	<u>0.00</u>	<u>(24,003.45)</u>	<u>0.00</u>	<u>24,003.45</u>
Other Fund Chg (Less)	<u>(7,598.23)</u>	<u>0.00</u>	<u>(24,003.45)</u>	<u>0.00</u>	<u>-24,003.45</u>
Net Fund Chg (Less)	<u>\$ (105,697.70)</u>	<u>\$ 0.00</u>	<u>\$ (7,087.00)</u>	<u>\$ 0.00</u>	<u>\$ (7,087.00)</u>

See Accountants' Compilation Report

PUBLIC WORKS - PRAIRIE VIEW, TX
BALANCE SHEET
As of September 30, 2015

ASSETS

CURRENT ASSETS

Cash - Prosp Bk Public Works	\$ 90,338.54
Cash - Prosp. Bk Wtr Swr Escrow	69,509.07
Cash-Prosp Bk 2007 Water & Sewer Bo	357.74
Cash - Water Well #3 Project	10,751.63
General Obligation Bonds - Series 2011	891,103.41
Certificates of Obligation Series 2011	28,201.91
Account Receivables W & S	475,714.31
Allowance for Bed Debt Acc Rc	<u>(20,000.00)</u>

Total Current Assets

1,545,976.61

PROPERTY AND EQUIPMENT

Land	1.00
Improvements (Ex Bldg) W&S	4,603.00
Machinery and Equipment W&S	389,323.13
Equipment Large Water Meters	5,875.00
Sewer Jet Sewer Mechine	31,625.00
Pumps & Equip. - Alta Vista Lift Station	227,954.99
Pumps & Equip. - Antoinitte Lift Station	8,497.25
Water & Sewer Main Connections & Met	501,697.05
Pumps & Equip - Crowhurst Liftstation	52,422.50
Pump & Equip - Greensfield Lift Station	51,565.00
Generator - Alta Vista	72,469.00
Generator - Crow Hirsch	44,469.00
Riding Tractor Mower John Deer	10,920.60
Const In-Prog High Point LS Force Main	157,944.10
Ford F150 Pickup 2011	14,853.40
Office Equipment W&S	8,540.68
UTILITY SOFTWARE	6,690.00
Furniture and Fixtures W&S	6,006.90
Elevated Water Tower Upgrades	282,725.00
Water Well #2 System	364,099.52
Ground Water Storage Tank	206,575.89
Pump House Water Well	30,010.88
Water Well # 3 System	800,776.16
Water Well #3 Storage Tank	384,000.00
Sewer System Owens Rd	468,848.14
Richard Rd Line Block Grant	413,106.01
Sewer Line Springdale Extension	19,162.00
Investment In Sewer System	2,252,942.00
Less: Accumulated Depreciation	<u>(4,067,000.58)</u>

Net Property and Equipment

2,750,702.62

See Accountants' Compilation Report



CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Regular Agenda Item 12

To: Mayor and City Council

Agenda Subject:

Discuss and consider action, if deemed appropriate, setting the City Council Meeting Schedule for the 2016 Calendar Year

Background:

This agenda item will allow the City Council to consider its meeting schedule for the 2016 Calendar Year.

The City of Prairie View City Council each year at this time sets a meeting schedule for the next calendar year.

The City Council currently meets on the fourth Tuesday of each month, as established by Ordinance 12162014-A, which amended the Code of Ordinances by amending Section 1.502(b) to read as follows: "(b) The City Council shall hold regular meetings on the 4th Tuesday of each month, except in November and December, the regular meetings will be held on the 3rd Tuesday of the month. When the day fixed for any regular meeting of the Council falls upon a day designated by the City Council as a legal holiday, such meeting shall be held on the next succeeding day not a holiday."

This type of scheduling allows the Mayor and City Council and staff to enjoy the full benefit of the Thanksgiving and Christmas holidays.



CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Regular Agenda Item 13

To: Mayor and City Council

Agenda Subject:

Consider adoption of an Ordinance establishing the City of Prairie View's Records Management Program

Background:

A fundamental obligation of all Texas municipalities is the retention of data in accordance with a pre-determined timetable, as required by the Local Government Records Act, Texas Local Government Code §201.001. This statute must be followed in conjunction with the Public Information Act, which provides that a governmental body may determine a time for which information that is not currently in use will be preserved, subject to any applicable law or regulation governing the destruction and other disposition of State and local government records or public information. Texas Government Code §552.004.

Each governing body is required to establish by ordinance a records management program to be administered by the Records Management Officer. Texas Local Government Code §203.026(a).

The attached ordinance with its attached schedules will allow the Prairie View City Council to meet its duty as required by the Local Government Records Act, the various statutes, to work in conjunction with the Public Information Act.

Former City Attorney Paula Alexander prepared the attached ordinance during her tenure with the City. The Ordinance along with its attendant schedules are submitted for consideration for adoption by the City Council.

The Ordinance is presented to begin the City's Records Management Program. Any attendant costs not budgeted in this year's adopted budget will be brought back to the City Council for its notification and any required actions.

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Sec. 1.700A.02. Additional Definitions.

“Department head means the officer who, by ordinance or administrative policy, is in charge of an office of the City that creates or receives records.

Essential record” means any record of the City necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

Permanent record means any record of the City for which the retention period on a records control schedule is given as permanent.

Records control schedule means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the City, their retention periods, and other records disposition information that the records management Plan may require.

Records management means the application of management techniques to creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Records management officer” means the person designated in Sec. 1.700A.05 of this Ordinance.

“Records management plan means the plan developed under Sec. 1.700A.06 of this Ordinance.

Retention period means the minimum time that must pass after creation, recording, or receipt of a record, or the fulfillment of certain actions associated with said record, before it is eligible for destruction.

Sec. 1.700A.03. Municipal Records Declared Public property. All municipal records as defined in Sec. 1.700A.01 of this Ordinance are hereby declared to be the property of the City. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records, is prohibited.

Sec. 1.700A.04. Policy. It is hereby declared to be the policy of the City to provide for efficient, economical, and effective controls over creation, distribution, organization,

83 maintenance, use, and disposition of all municipal records through a comprehensive system
84 of integrated procedures for their management from creation to ultimate disposition,
85 consistent with the requirements of the Act and accepted records management practices.
86

87 **Sec. 1.700A.05. Designation of Records Management Officer.** The **Records**
88 **Management Officer,** and the successive holders of said office, shall serve as Records
89 Management Officer for the City. As provided by state law, each successive holder of said
90 office shall file his or her name with the director and librarian of the Texas State Library
91 within thirty (30) days of the initial designation or of taking up the office, as applicable.
92

93 **Sec. 1.700A.06. Records Management Plan.**

94
95 (a) The City Council hereby adopts the Texas State Records Retention Schedules
96 attached hereto as the City's Records Management Plan and as such Texas State Records
97 Retention Schedule may be amended from time to time.
98

99 (b) The records management plan shall be binding on all offices, departments,
100 divisions, programs, commissions, bureaus, boards, committees, or similar entities of the
101 City and records shall be created, maintained, stored, microfilmed, or disposed of in
102 accordance with said plan.
103

104 (c) State law relating to the duties, other responsibilities, or recordkeeping
105 requirements of a department head do not exempt the department head's or the records in
106 the department head's care from application of this Ordinance and the records management
107 plan adopted hereunder and may not be used by the department head as a basis for refusal
108 to participate in the records management program of the City.
109

110 **Sec. 1.700A.07. Duties of the Records Management Officer.** In addition to other
111 duties assigned within this Ordinance, the Records Management Officer shall:
112

113 (1) administer the records management program and provide assistance to
114 department heads in its implementation;
115

116 (2) plan, formulate, and prescribe records disposition policies, systems, standards,
117 and procedures;
118

119 (3) in cooperation with department heads, identify essential records and establish
120 a disaster plan for each municipal office and department to ensure maximum availability
121 of such records in order to re-establish operations quickly and with minimum disruption
122 and expense;
123

124 (4) develop procedures to ensure the permanent preservation of the historically
125 valuable records of the City;
126

127 (5) establish standards for filing and storage equipment and for recordkeeping
128 supplies;

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(6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the City;

(7) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management plan and its records control schedules are in compliance with state regulations;

(8) disseminate to the City Council and department heads information concerning state laws and administrative rules relating to local government records;

(9) maintenance, preservation, microfilming, destruction, or other dispositions of the City's records are carried out in accordance with the policies and procedures of its records management plan and the requirements of state law;

(10) maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(11) report annually to the City Council on the implementation of the records management plan within each department of the City, including summaries of the statistical and fiscal data compiled under Subsection (10) above; and

(12) bring to the attention of the City Council non-compliance by department heads or other municipal personnel with the policies and procedures of the City's records management plan or the Act.

Sec. 1.700A.08. Duties and Responsibilities of Department Heads. In addition to other duties assigned in this Ordinance, department heads shall:

(1) cooperate with the records management officer in carrying out the policies and procedures established in the City of Prairie View, Texas for the efficient and economical management of records and in carrying out the requirements of this Ordinance;

(2) adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(3) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the City's records management program and the requirements of this Ordinance.

Sec. 1.700A.09. Records Control Schedules to be Developed; Approval; Filing with State. (a) The records management officer, in cooperation with department heads,

175 shall prepare records control schedules on a department by department basis listing all
176 records series created or received by the department and the retention period for each series.
177 Records control schedules shall also contain such other information regarding the
178 disposition of municipal records as the City's records management plan may require.

179
180 (b) Each records control schedule shall be monitored and amended as needed by
181 the records management officer on a regular basis to ensure that it is in compliance with
182 records retention schedules issued by the state and that it continues to reflect the
183 recordkeeping procedures and needs of the department and the City's records management
184 plan.

185
186 (c) Before its adoption, a records control schedule or amended schedule for a
187 department must be approved by the department head and the City Council.

188
189 (d) Before its adoption a records control schedule must be submitted to and
190 accepted for filing by the director and librarian of the Texas State Library as provided by
191 law. If a schedule is not accepted for filing, the schedule shall be amended to make it
192 acceptable for filing. The records management officer shall submit the records control
193 schedules to said director and librarian.

194
195 **Sec. 1.700A.10. Implementation of Records Control Schedules; Destruction of**
196 **Records Under Schedules.** (a) A records control schedule for a department that has been
197 approved and adopted under Sec. 1.700A.09 shall be implemented by department heads
198 according to the policies and procedures of the records management plan.

199
200 (b) A record whose retention period has expired on a records control schedule shall
201 be destroyed unless an open records request is pending on said record, the subject matter
202 of the record is pertinent to a pending law suit, or the department head requests in writing
203 to the records management officer that the record be retained for an additional period.

204
205 (c) Prior to destruction of a record under an approved records control schedule,
206 authorization for such destruction must be obtained by the records management officer
207 from the City Council.

208
209 **Sec. 1.700A.011. Destruction of Unscheduled Records.** A record that has not
210 yet been listed on an approved records control schedule may be destroyed if its destruction
211 has been approved in the same manner as a record destroyed under an approved schedule
212 and the records management Officer has submitted to and received from the director and
213 librarian of the Texas State Library an approved destruction authorization request.”

214
215 **Section. 2.** This Ordinance shall take effect immediately from and after its
216 passage.

217 **Section 3.** All ordinances or parts of ordinances inconsistent or in conflict
218 herewith are, to the extent of such inconsistency or conflict, hereby repealed.

219 **Section 4.** In the event any clause, phrase, provision, sentence, or part of this
220 Ordinance or the application of the same to any person or circumstance shall for any reason
221 be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall
222 not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof
223 other than the part declared to be invalid or unconstitutional; and the City Council of the
224 City of Prairie View, Texas, declares that it would have passed each and every part of the
225 unconstitutional, whether there be one or more parts.

226 **PASSED, APPROVED and ADOPTED** this the 15th day of December, 2015.

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CITY OF PRAIRIE VIEW, TEXAS

Frank Jackson, Mayor

236 **ATTEST:**

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240
241

Janie Willman, City Secretary



TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE EL **(Third Edition)**

RETENTION SCHEDULE FOR RECORDS OF ELECTIONS AND VOTER REGISTRATION

This schedule establishes mandatory minimum retention periods for records that are associated with the conduct of elections, political candidacy, and the registration of voters. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period. This includes electronic mail (email), websites, and electronic publications.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

A local government record whose retention period expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

The use of an asterisk (*) in this third edition of Local Schedule EL indicates that the record is either new to this edition, the retention period for the record has been changed, or substantive amendments have been made to the description of or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

Abbreviations Used in This Schedule

- AV - As long as administratively valuable
- CFR - Code of Federal Regulations
- FE - Fiscal year end
- TAC - Texas Administrative Code
- US - Until superseded

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RECORDS OF ELECTIONS AND VOTER REGISTRATION

RETENTION NOTES: (a) **DESTRUCTION OF RECORDS.** After expiration of the prescribed period for preserving voted ballots, election returns, other election records, or other records that are preserved under the Election Code, the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding in connection with an election to which the records pertain is pending. In that case, the records shall be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. [By law, Election Code, Section 1.013.]

(b) **AUTHORITY OF THIS SCHEDULE** - This schedule applies to and is binding upon county clerks, county tax assessor-collectors, county election administrators, election clerks in other local governments, and all other officials or employees of a local government who have custody of or maintain records of elections or voter registration. Many of the retention periods established in the Texas Election Code also apply to county executive committees of political parties who conduct their own primaries. These committees are not bound, however, by the destruction notice and records scheduling requirements of the Local Government Records Act.

PART 1: ELECTION RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*EL3100-01	EARLY, ABSENTEE AND RESTRICTED BALLOT VOTING RECORDS [see also item number EL3100-10(b)]			

Record Number	Record Title	Record Description	Retention Period	Remarks
*EL3100-01a	EARLY, ABSENTEE, AND RESTRICTED BALLOT VOTING RECORDS	All of the following: absentee ballot requests and applications (except federal post card applications), cancellation of absentee ballot requests, notices of denial of cancellation requests, branch voting schedules and daily registers, lists of corrected ballots sent, untimely and rejected ballots, jacket envelopes (unless for use in subsequent election), carrier envelopes, early voting and absentee rosters, early voting and absentee election returns, voted early voting and absentee ballots, statements of challenge to early and absentee voters, notices of non-acceptance of early voting and absentee ballots, orders for the appointment of signature verification committees, late absentee ballot applications, disabled voter applications and affidavits, applications to vote restricted ballot, restricted ballot rosters, and presidential mail ballot applications.	Follow retention periods for Precinct Election Records [EL3100-10a].	By law -Election Code, Sections 84.010, 84.037, 85.072(d), 86.009(d), 86.011(c), 87.043(c), 87.044(b), 87.121(e), 87.123(2), and 87.124.
*EL3100-01b	EARLY, ABSENTEE, AND RESTRICTED BALLOT VOTING RECORDS	Precinct early voting list (listing voters in each precinct who have voted early or who have been mailed absentee ballots).	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Section 66.058(a). Retention Note: It is an exception to the retention period given for this record that one copy of each precinct early voting list prepared for a general election must be retained by the early voting clerk for 2 years after election day. By law - Election Code, Section 87.122(d).
*EL3100-01c	EARLY, ABSENTEE, AND RESTRICTED BALLOT VOTING RECORDS	Federal post card applications requesting absentee ballot.	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Section 66.058(a). Retention Notes: a) An application requesting a ballot for more than one election shall be preserved for the period for preserving the precinct election records for the last election for which the application is effective. By law – Election Code, Section 101.054(d). b) If the federal postcard application is used as a voter registration document follow the retention period for EL3150-03(a).

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3100-02	ELECTION CONTRACTS	Contracts, leases, or agreements for election services or the use of voting machines, including written approvals from the Secretary of State, if such approval is required.	4 years after the expiration or termination of the instrument according to its terms.	Retention Note: In counties, the retention period applies only to the copy of the contract maintained by the county elections officer. Copies of the contract filed with and maintained by the county treasurer, county auditor, or the county judge need only be retained as long as administratively valuable.
EL3100-03	ELECTION MINUTES, NOTICES, AND ORDERS			
EL3100-03a	ELECTION MINUTES, NOTICES, AND ORDERS	Minutes of governing body concerning elections.	PERMANENT.	
*EL3100-03b	ELECTION MINUTES, NOTICES, AND ORDERS	Posted or published notices of election, including records (e.g., affidavits of publication, record of posting locations, or lists of voters to whom notices are mailed) which document the time, place, and manner of notice.	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Section 4.005(d).
*EL3100-03c	ELECTION MINUTES, NOTICES, AND ORDERS	Election orders and proclamations. (1) Ordering an election. (2) Relating to multiple elections or election procedures (e.g., order adopting a voting system; order appointing a county elections administrator).	Follow retention periods for Precinct Election Records [EL3100-10a]. AV if recorded in the minutes of the governing body; PERMANENT if not recorded.	By law - Election Code, Section 3.008(a). Retention Note: Election Code Section 3.008(b) requires that the date and nature of an election ordered by a political subdivision be entered in the minutes of its governing body.
EL3100-04	ELECTION OFFICER RECORDS			Retention Note: Records in this group include any records of the types listed relating to early voting. For certificates of appointment of watchers see item number EL3100-10(a).

Record Number	Record Title	Record Description	Retention Period	Remarks
*EL3100-04a	ELECTION OFFICER RECORDS	<p>Orders of appointment of election judges, including memoranda of emergency appointments, if applicable.</p> <p>(1) Single election appointments.</p> <p>(2) Term appointments.</p>	<p>Follow retention periods for Precinct Election Records [EL3100-10a].</p> <p>Retain until end of term for which the appointment is made or follow the retention periods for Precinct Election Records [EL3100-10a] in the last election in which the appointee serves under the order, whichever later.</p>	<p>By law - Election Code, Sections 32.007(c) and 32.008(c).</p> <p>By law - Election Code, Section 32.008(c).</p>
EL3100-04b	ELECTION OFFICER RECORDS	Lists of recommended election judges or other officers.	AV after appointments made.	
*EL3100-04c	ELECTION OFFICER RECORDS	<p>Statements of compensation due election officers.</p> <p>(1) Originals.</p> <p>(2) Copies.</p>	<p>FE + 3 years.</p> <p>Follow retention periods for Precinct Election Records [EL3100-10a].</p>	By law -Election Code, Section 32.094(e).

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3100-05	ELECTION PETITIONS		2 years after election day if petition results in an election or 2 years after date of filing if no election results.	<p>Retention Notes: a) This record group includes petitions for the formation of governments, local option elections (including applications), and such other issues permitted by law. It does not include petitions for a place on the ballot; see item number EL3125-02(a).</p> <p>b) Some election petitions presented to commissioners' courts are required by law to be recorded by county clerks. The retention period applies only to filed copies of petitions. The retention period for recorded copies is that assigned in the Local Schedule CC (Records of County Clerks) to the record in which the petition is recorded.</p>
EL3100-06	ELECTION RETURN RECORDS			See item number EL3100-10 for precinct level election returns.
*EL3100-06a	ELECTION RETURN RECORDS	County election returns (copies of reports submitted by county clerks or county election administrators to the Secretary of State).	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Sections 67.007(e) and 67.008(d).
EL3100-06b	ELECTION RETURN RECORDS	Election return record or register maintained by local canvassing authorities.	PERMANENT.	By law - Election Code, Section 67.006(e). Retention Note: If the tabulation of election returns by a canvassing authority is done in a separate document rather than being entered directly into the election record or register, the separate tabulation must be retained for 22 months after election day in accordance with Election Code, Section 67.004(e).
EL3100-07	FRAUD IN CONSTITUTIONAL AMENDMENT ELECTIONS, REPORTS OF	Reports filed with county clerks of alleged fraud, misconduct, or irregularity in constitutional amendment elections.	PERMANENT.	Obsolete record.
EL3100-08	PRECINCT BOUNDARY RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3100-08a	PRECINCT BOUNDARY RECORDS	Notices of changes to precinct boundaries, including those filed with and maintained by voter registrars.	Effective date of change + 1 year.	By law - Election Code, Section 42.036(g), for those maintained by issuing authority in counties with a population of one million or more; by authority of this schedule for those in all other counties and for those maintained by voter registrars.
EL3100-08b	PRECINCT BOUNDARY RECORDS	Maps of precinct boundary changes.	One copy of each PERMANENT.	
EL3100-09	PRECINCT CONVENTION RECORDS	Records of the proceedings, lists of persons in attendance at precinct conventions, and lists of delegates chosen to represent the precinct at county or senatorial district conventions.	AV.	Obsolete record maintained by county clerks.
EL3100-10	PRECINCT ELECTION RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
*EL3100-10a	PRECINCT ELECTION RECORDS	<p>All of the following: signature rosters; combination forms; provisional ballot lists; provisional ballot affidavit envelopes; summaries of provisional ballots cast; certificates of appointment of watchers; precinct returns; ballot registers/tally lists; voted, spoiled, defective, unused, undistributed, and specimen ballots; record of incorrect ballots destroyed; redistributed ballot receipts; ballot distribution record; unofficial tabulation of ballot results; official tabulation of precinct results; voting machine inspection and testing records; notice of voting machine inspections; voting machine opening and closing certificates; paper ballot write-in affidavits; voting machine printouts; ballot box seal record; ballot box certificates and seals; ballot box receipts; certificate of successful and records of unsuccessful tests of automatic tabulating equipment; testing ballots, and requests for and retractions of, if applicable, extension of security period on voting machines. This series includes any records of the types listed relating to early voting.</p> <p>1) In an election involving a federal office.</p> <p>2) In an election not involving a federal office.</p>	<p>Election day + 22 months.</p> <p>Election day + 6 months.</p>	<p>In addition to the general retention period set for precinct election records in Election Code, Section 66.058 (see retention note on page 5), the following provisions affirm the same retention period: Election Code, Sections 51.007(b), 51.008(d), 52.0064(d), 52.007(c), 66.056(d), 67.004(f), 125.064, 127.064(c), 127.068(a, d), 127.099(b), 146.031(e), and 172.116(e).</p> <p>Retention Note: If new ballots are prepared to correct mistakes, the incorrect ballots must be destroyed in accordance with the provisions of Election Code, Section 52.0064.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3100-10b	PRECINCT ELECTION RECORDS	Voter registration lists (original, revised original, and supplemental) and registration corrections lists, including those used in early voting. (1) Arising from elections held prior to March 1, 1986. (2) Arising from elections held on March 1, 1986 or later.	AV. Returned to voter registrar.	See Part 3 of this schedule. Retention Note: Lists of registered voters used in primary elections prior to September 1, 1987 and maintained by the general custodian of election records may be destroyed at option. Such lists used in primary elections after September 1, 1987 are returned to the voter registrar. See item number EL3150-06(d).
*EL3100-10c	PRECINCT ELECTION RECORDS	Poll lists.	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Section 66.058 (a, g). Retention Note: It is an exception to the retention period given for this record that one copy of each poll list used in a primary election held in 1986 and subsequent years must be retained by the general custodian of election records until the end of the year in which the primary election is held. By law - Election Code, Section 172.114.
*EL3100-10d	PRECINCT ELECTION RECORDS	Mechanical machine ballot labels.	AV.	Obsolete record.
*EL3100-10e	PRECINCT ELECTION RECORDS	Lists of certified write-in candidates.	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Section 146.031(e).
EL3100-10f	PRECINCT ELECTION RECORDS	Election stub box certificates maintained by district clerks.	AV.	Obsolete record.
EL3100-11	RECOUNT RECORDS			
*EL3100-11a	RECOUNT RECORDS	Recount reports (of both recount committees and recount supervisors, including associated tally lists).	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Sections 213.012(c) and 213.055(c).

Record Number	Record Title	Record Description	Retention Period	Remarks
*EL3100-11b	RECOUNT RECORDS	<p>Records relating to the request for and conduct of a recount, including all of the following: initial, expedited, and supplementary recount petitions, with associated amendments, affidavits, and certifications; applications for inclusion of remaining paper ballot precincts; recount notices and other notices involved in the conduct of recounts; requests for specific counting method; records of recount costs; and recount cost statements.</p> <p>(1) Records of the type described maintained by a person serving only as recount coordinator or by a person serving as both recount coordinator and recount supervisor.</p> <p>(2) Records of the type described maintained by a person serving as recount supervisor only.</p>	<p>Follow retention periods for Precinct Election Records [EL3100-10a], or 60 days after recount canvass completed, or 30 days after assessed recount costs settled, or 30 days after outstanding costs referred for collection, whichever longer.</p> <p>Follow retention periods for Precinct Election Records [EL3100-10a], or 60 days after recount costs for payment of claimants certified, or 6 months after cost statement is delivered to recount coordinator if assessed against a person, whichever longer.</p>	<p>By law - Election Code, Section 211.007(b-c).</p> <p>By law - Election Code, Section 211.007(d).</p>

PART 2: RECORDS OF CANDIDACY AND CAMPAIGN FINANCE

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3125-01	CAMPAIGN FINANCE REPORTS AND FILINGS			
EL3125-01a	CAMPAIGN FINANCE REPORTS AND FILINGS	Campaign contribution and expenditure statements (including annual reports of unexpended contributions).	Date of filing + 2 years.	By law - Election Code, Section 254.040.
EL3125-01b	CAMPAIGN FINANCE REPORTS AND FILINGS	Designations of campaign treasurers, including notices of termination.	2 years after appointment terminated.	By law - Election Code, Section 252.014. Retention Note: See Election Code, Section 252.0131, for a procedure that clerks may use to terminate the campaign treasurer appointment of an inactive candidate or political committee.
EL3125-02	CANDIDACY APPLICATIONS AND CERTIFICATIONS			
EL3125-02a	CANDIDACY APPLICATIONS AND CERTIFICATIONS	Applications and any accompanying petitions for place on ballot, including any rejection notices and withdrawal of petition signature requests.	Election day + 2 years.	By law - Election Code, Section 141.036.
EL3125-02b	CANDIDACY APPLICATIONS AND CERTIFICATIONS	Certifications of candidates (including certifications of replacement nominees by party executive committees). (1) Copy maintained by authority to whom application for a place on ballot is made. (2) Copy maintained by authority responsible for preparation of official ballot.	AV after election day. Election day + 2 years.	
EL3125-02c	CANDIDACY APPLICATIONS AND CERTIFICATIONS	Declarations of intent to run as an independent candidate.	Day after general election day.	By law - Election Code, Section 142.003.
EL3125-02d	CANDIDACY APPLICATIONS AND CERTIFICATIONS	Declarations of write-in candidacy.	Election day + 2 years.	By law - Election Code, Section 146.028.
EL3125-02e	CANDIDACY APPLICATIONS AND CERTIFICATIONS	Withdrawal of candidacy requests.	Election day + 2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3125-03	PARTY CERTIFICATIONS AND NOTICES			
EL3125-03a	PARTY CERTIFICATIONS AND NOTICES	Lists and certifications of party candidates in primary elections.	Day after the general primary election day.	
EL3125-03b	PARTY CERTIFICATIONS AND NOTICES	Notices or lists of persons elected as party officers.	US.	By law - Election Code, Section 172.118(c).
*EL3125-04	FINANCIAL DISCLOSURE STATEMENTS OF LOCAL GOVERNMENT OFFICERS	Financial statements of local government officers or candidates of local government offices required to be filed with the county or city clerk, as applicable.	Date of termination as officer or candidate, as applicable + 2 years.	By law – Local Government Code, Section 145.007(c); 159.007(c).

PART 3: VOTER REGISTRATION RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3150-01	CHALLENGE TO REGISTRATION RECORDS	Records relating to challenges by the voter registrar or another registered voter to the registration of an applicant or a voter and similar records relating to the challenge by a voter resulting in rejection of an application or cancellation of registration by the voter registrar.		
EL3150-01a	CHALLENGE TO REGISTRATION RECORDS	Notices of challenge, requests for and notices of hearing, affidavits of argument or evidence, statements of challenge (if challenge is by another registered voter), and copies of petitions for review in cases appealed to a district court.	2 years from, as applicable: 1) Date of notice of challenge or cancellation, if no hearing sought by voter. 2) Date of written determination of challenge. 3) Date of judgment of district court if adverse determination appealed.	
EL3150-01b	CHALLENGE TO REGISTRATION RECORDS	Written determinations of challenge.	Date of rejection of application or cancellation of registration + 2 years.	By law – Election Code, Section 13.102(d); 15.142(c).

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3150-02	VOLUNTEER DEPUTY REGISTRAR RECORDS			
EL3150-02a	VOLUNTEER DEPUTY REGISTRAR RECORDS	Certificates of appointment.	Termination of appointment + 2 years.	By law - Election Code, Section 13.0035(d).
EL3150-02b	VOLUNTEER DEPUTY REGISTRAR RECORDS	Applications for appointment.	AV.	
EL3150-02c	VOLUNTEER DEPUTY REGISTRAR RECORDS	Written notices of termination.	AV.	
EL3150-03	VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION			
EL3150-03a	VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION	Voter registration applications and the following records that the Election Code requires be maintained in association with application files: authorizations to vote by affidavit; requests for replacement certificates; notices of change in registration information (including hand-corrected registration certificates submitted by voters); returned renewal certificates; abstracts of death, probate, mental incompetency, felony conviction, and disqualification in an election contest; requests for exemption from showing photo ID due to a permanent disability; lists of person disqualified from jury service because of lack of citizenship; and written notices to voter of investigation of registration status, written responses from voters, proofs of citizenship provided by voters, and memoranda of oral responses.	Date of rejection or cancellation of registration + 2 years.	By law - Election Code, Section 13.102(d).

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3150-03b	VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION	Notices of change of residence of voters from other voter registrars.	Date of cancellation of registration + 2 years.	
EL3150-03c	VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION	Notices of applications for limited ballot from early voting clerks in other counties.	Date of cancellation of registration + 2 years.	
EL3150-03d	VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION	Notices of voter registration cancellation and reinstatement.	AV.	
EL3150-03e	VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION	Sworn statements of death submitted under Election Code, Section 16.031(b) (3).	Date of cancellation of registration + 2 years.	
EL3150-03f	VOTER REGISTRATION APPLICATIONS AND ASSOCIATED DOCUMENTATION	Periodic reports from the Secretary of State on deceased persons in a county.	AV.	Obsolete Record.

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3150-04	VOTER REGISTRATION CERTIFICATES			<p>Retention Notes: a) Beginning in 1967 with the repeal of poll taxes, voter registration procedures in Texas were subject to frequent change. It was not until 1975 that the current system began to emerge in the Election Code. Consequently, for the purposes of records retention only, the term “date of cancellation” in this record group means, as applicable:</p> <ol style="list-style-type: none"> 1) from the date registration is cancelled for any of the reasons cited in Chapter 16, Election Code; 2) from the date an initial registration certificate or its former equivalent expired under prior law (note that the issuance of a renewal certificate under current law does not constitute expiration of the initial certificate); or 3) from the date the information on an initial registration certificate or its former equivalent was transcribed into a new format as may have been required or permitted by new statutory requirements (note that the issuance of a renewal certificate under current law in a different format from the initial certificate does not constitute a transcription). <p>b) Election Code, Section 15.143 provides: “The registrar may maintain the active or inactive certificate file as information stored in a form suitable for use with electronic data processing equipment. After the appropriate information is stored, the registrar may destroy or otherwise dispose of a duplicate certificate.”</p>
EL3150-04a	VOTER REGISTRATION CERTIFICATES	Duplicate initial registration certificates.	Date of cancellation of registration + 2 years.	By law - Election Code, Section 15.142(c).

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3150-04b	VOTER REGISTRATION CERTIFICATES	Corrected registration certificates issued by voter registrar.	Date of cancellation of registration + 2 years.	Retention Note: A duplicate original registration certificate replaced by a corrected certificate need be retained only as long as administratively valuable after issuance of the corrected certificate.
EL3150-04c	VOTER REGISTRATION CERTIFICATES	Undelivered/returned renewal certificates.	Date of cancellation of registration + 2 years.	
EL3150-04d	VOTER REGISTRATION CERTIFICATES	Original registration record sheets or cards.	AV.	Obsolete record required of voter registrars from 1971 to 1975.
EL3150-05	VOTER REGISTRATION CONTRACTS	Contracts, leases, or agreements for voter registration services, including written approvals from the Secretary of State, if such approval is required.	4 years after the expiration or termination of the instrument according to its terms.	
EL3150-06	VOTER REGISTRATION LISTS AND RELATED DOCUMENTATION			Retention Note: It is an exception to the retention periods given for (a) and (c) in this record group that any list of registered or qualified voters dated 1967 or earlier must be retained PERMANENTLY for historical reasons. This exception applies to any such lists in the custody of a tax assessor-collector, county clerk, or any other county official.
EL3150-06a	VOTER REGISTRATION LISTS AND RELATED DOCUMENTATION	Master voter registration list of all registered voters in a county.	US.	
EL3150-06b	VOTER REGISTRATION LISTS AND RELATED DOCUMENTATION	Change lists, or similar documentation providing an audit trail, used to correct or update master voter registration list.	2 years.	
EL3150-06c	VOTER REGISTRATION LISTS AND RELATED DOCUMENTATION	One copy of each original, supplemental, corrected, or revised original list of registered voters provided to election authorities for use in countywide elections. (1) Lists for use in presidential elections. (2) Lists for use in non-presidential elections.	Election day + 4 years. Election day + 2 years.	By law - Election Code, Section 18.011(b). By law - Election Code, Section 18.011(b).

Record Number	Record Title	Record Description	Retention Period	Remarks
*EL3150-06d	VOTER REGISTRATION LISTS AND RELATED DOCUMENTATION	Original, supplemental, corrected, or revised original lists of registered voters used in precincts and returned to the voter registrar in Envelope No. 4.	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Section 66.058(a, g).
*EL3150-06e	VOTER REGISTRATION LISTS AND RELATED DOCUMENTATION	Registration omissions lists.	Follow retention periods for Precinct Election Records [EL3100-10a].	By law - Election Code, Section 66.058(a, g).
EL3150-07	VOTER REGISTRATION RECORDS (OBSOLETE)			
EL3150-07a	VOTER REGISTRATION RECORDS (OBSOLETE)	Applications, proofs of eligibility, and notices of eligibility relating to voter registration of persons, resident of the state for more than 60 days but less than a year, wishing to vote in presidential elections.	Destroy at option.	Maintained by county clerks from 1967 to 1975.
EL3150-07b	VOTER REGISTRATION RECORDS (OBSOLETE)	Registration record of women voters registering to vote in 1918.	PERMANENT.	Retention Note: This record, if it has survived in a county, may appear either as a formal register or as duplicate certificates. Any form of record of this initial registration of women voters must be retained PERMANENTLY for historical reasons.
EL3150-07c	VOTER REGISTRATION RECORDS (OBSOLETE)	Lists of registered voters maintained under the Registration Act of 1870.	PERMANENT.	Maintained by district clerks from 1870 to 1876.
EL3150-07d	VOTER REGISTRATION RECORDS (OBSOLETE)	Poll tax receipts (including exemption receipts).	AV.	In the absence of a list of qualified voters (see retention note for item number EL3150-06) for a given year, this schedule recommends, but does not require , that the poll tax receipts and exemption receipts for the same year be retained PERMANENTLY. Retention Note: The retention period applies to poll tax records in the custody of a county tax assessor-collector, county clerk, county judge, or any other county official.

Record Number	Record Title	Record Description	Retention Period	Remarks
EL3150-08	VOTER REGISTRATION REPORTS AND STATEMENTS			
EL3150-08a	VOTER REGISTRATION REPORTS AND STATEMENTS	Annual registration statements submitted to the Secretary of State.	2 years.	
EL3150-08b	VOTER REGISTRATION REPORTS AND STATEMENTS	Pre-election registration statements submitted to the Secretary of State.	2 years.	
EL3150-08c	VOTER REGISTRATION REPORTS AND STATEMENTS	Reports submitted to the Secretary of State on new registrations, cancelled registrations, and change in registration information used to update state master voter registration file.	2 years.	
EL3150-08d	VOTER REGISTRATION REPORTS AND STATEMENTS	Notices from the Secretary of State of non-compliance with state master voter registration reporting requirements and subsequent notices of compliance.	2 years.	
EL3150-08e	VOTER REGISTRATION REPORTS AND STATEMENTS	Registration statements submitted to the State Comptroller of Public Accounts.	FE + 3 years.	
EL3150-09	PRECLEARANCE RECORDS	All preclearance submission documentation including, but not limited to, changes in election precincts, polling places, and voting procedures.	PERMANENT.	By law - Voting Rights Act of 1965, Section 5.
*EL3150-10	SUSPENSE LIST	A list maintained by the voter registrar of each county that contains the names of (1) voters that failed to respond to the confirmation notice, (2) voters whose renewal certificate was returned to the registrar as undeliverable, and (3) those individuals that were excused or disqualified from jury service because they were not a resident of that county, state on the juror summons notice that the individual no longer resides in the county, or whose jury summons were returned to the district clerk as undeliverable.	US.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*EL3150-11	CHAPTER 19 FUND RECORDS	Records documenting funds received under Chapter 19, Election Code to finance voter registration.	3 state fiscal years after the fiscal year in which the funding lapses.	By regulation – 1 TAC 81.21(a).

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927.
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LOCAL SCHEDULE GR **(Fifth Edition)**

RETENTION SCHEDULE FOR RECORDS COMMON TO ALL LOCAL GOVERNMENTS

This schedule establishes mandatory minimum retention periods for records that are usually found in all local governments, regardless of type. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission. If applicable, the wording of the records series will match that of any federal or state law, rule of court, or regulation, and citation to law, rule, or regulation will be provided in the Remarks section.

Retention periods listed in this schedule apply to records in any medium. If records are stored electronically, they must remain available and accessible until the retention period assigned by this schedule, along with any hardware or software required to access or read them. Electronic records may include electronic mail (e-mail), websites, electronic publications, or any other machine-readable format. Paper or microfilm copies may be retained in lieu of electronic records.

The use of social media applications may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media application may be considered records and should be managed appropriately. The retention of social media records is based on content and function. Local governments will need to consult the relevant records retention schedule for the minimum retention periods.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

A local government record whose retention period expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the Director and Librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

The use of an asterisk in this edition of Local Schedule GR indicates that the record is either new to this edition, the retention period for the record has been changed, or amendments have been made to the description of or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable
FE - Fiscal year end
TAC - Texas Administrative Code
US - Until superseded
LA – Life of asset
CE – Calendar year end

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PART 1: ADMINISTRATIVE RECORDS

SECTION 1-1: RECORDS OF GOVERNING BODIES

Retention Note: SCOPE OF SECTION - The retention periods established in this section also apply to the records of subsidiary boards, bureaus, commissions, or committees established by the governing body of a local government that have rulemaking or quasi-judicial authority over any activity or program of the government or that were established by ordinance, order, or resolution for the purposes of advising the governing body or a subsidiary body on policy. Consequently, the use of the term “governing body” in a records description includes the corresponding records of those subsidiary bodies.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-01	AGENDAS			
GR1000-01a	AGENDAS	Open meetings. 1) If the minutes describe each matter considered by the governing body and reference to an agenda is not required. 2) If the minutes do not describe each matter considered by the governing body and reference to an agenda is required.	2 years. PERMANENT.	
GR1000-01b	AGENDAS	Certified agendas of closed meetings.	2 years.	By law - Government Code, Section 551.104(a).
GR1000-02	DEDICATIONS		PERMANENT.	
*GR1000-03	MINUTES			Retention Note: The use of the term “audiovisual recordings” in (c)-(f) means any medium on which audio or a combination of audio and video is recorded.
GR1000-03a	MINUTES	Written minutes.	PERMANENT.	
GR1000-03b	MINUTES	Notes taken during meetings from which written minutes are prepared.	90 days after approval of minutes by the governing body.	
*GR1000-03c	MINUTES	Audiovisual recordings of open meetings, except as described in (d), for which written minutes are not prepared.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-03d	MINUTES	Audiovisual recordings of workshop sessions of governing bodies in which votes are not made and written minutes are not required by law to be taken.	2 years.	
*GR1000-03e	MINUTES	Audiovisual recordings of open meetings for which written minutes are prepared.	90 days after approval of minutes by the governing body.	
*GR1000-03f	MINUTES	Certified audiovisual recordings of closed meetings.	2 years.	By law - Government Code, Section 551.104(a).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-03g	MINUTES	Supporting documentation - One copy of each document of any type submitted to a meeting of a governing body for consideration, approval, or other action; if such action is reflected in the minutes of the meeting.	2 years.	<p>Retention Notes: a) The retention periods for many of the documents submitted to a governing body for action are established elsewhere in this or other commission schedules and are often longer than the 2-year retention period for supporting documentation set here. The 2-year retention requirement does not override a longer retention requirement set elsewhere, but rather is meant to ensure that all documents presented for action by a governing body are retained at least two years. This schedule does not require that supporting documentation be maintained together, but the retention by the clerk or secretary to the governing body of one set of the documents submitted at each meeting (often called "council packets" in municipalities) for two years would ensure satisfaction of the minimum retention requirement. Clerks or secretaries to governing bodies should exercise caution in disposing of supporting documentation to avoid destruction of the record copy of a document for which they are custodian before the expiration of its retention period.</p> <p>b) Review before disposal; some supporting documentation, not already required to be maintained PERMANENTLY elsewhere in this or other commission schedules, may merit PERMANENT retention for historical reasons.</p>
GR1000-04	OPEN MEETING NOTICES		2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-05	ORDINANCES, ORDERS, AND RESOLUTIONS		PERMANENT.	Retention Note: Includes ordinances, orders, or resolutions that have been repealed, revoked, or amended.
GR1000-06	PETITIONS	Petitions from the public to the governing body or subsidiary boards or commissions of a local government.	Final action on the petition + 2 years.	Retention Notes: a) Does not include petitions noted elsewhere in this or other commission schedules or any petition presented to a commissioners court that state law requires a county clerk to record. See Local Schedule CC (Records of County Clerks). b) "Final action" includes a decision to take no further action on a petition.
GR1000-07	PROCLAMATIONS		2 years.	
*GR1000-08	SPEECHES, PAPERS, AND PRESENTATIONS– ELECTED OFFICIALS	Notes or text of speeches, papers, presentations or reports delivered in conjunction with government work by elected officials.	End of term in office or termination of service in that position.	Retention Notes: a) For speeches, papers, and presentations of other local government staff see GR1000-51. b) Review before disposal; some records may merit PERMANENT retention for historical reasons.
*GR1000-09	PUBLIC COMMENT FORMS	Public comment forms, citizen comment forms, registration cards, or other similar documents filled out by members of the public wishing to speak at an open meeting.	2 years.	Retention Note: If all information from the public comment form is documented in written minutes of the meeting, the public comment form need only be retained for the retention period listed in GR1000-03b.

SECTION 1-2: GENERAL RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-20	ACCIDENT REPORTS	Reports of accidents to persons on local government property or in any other situation in which a local government could be party to a lawsuit.		Retention Note: For reports of work-related injuries and illnesses to employees see GR1050-32.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-20a	ACCIDENT REPORTS	Reports of accidents to adults.	3 years from date of report if no claim is filed; 3 years after settlement or denial of the claim if a claim is filed, whichever applicable.	
*GR1000-20b	ACCIDENT REPORTS	Reports of accidents to minors.	Date minor reaches majority age + 3 years, if no claim filed; 3 years after settlement or denial of claim if a claim is filed, whichever applicable.	
*GR1000-21	AFFIDAVITS OF PUBLICATION	Affidavits of Publication, including any accompanying clipping proofs or tear sheets.		
*GR1000-21a	AFFIDAVITS OF PUBLICATION	Publication of municipal ordinances.	PERMANENT.	Retention Note: It is an exception to the permanent retention period that affidavits of publication and associated documentation for ordinances that are codified or re-codified may be disposed of after the effective date of the new code.
*GR1000-21b	AFFIDAVITS OF PUBLICATION	Election notices.		By law – Election Code, Sections 4.005(d) and 66.058(a).
		1) In an election involving a federal office.	Election day + 22 months.	
		2) In an election not involving a federal office.	Election day + 6 months.	
GR1000-21c	AFFIDAVITS OF PUBLICATION	All other published legal notices.	2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-22	ANNEXATION, DISANNEXATION, ABOLITION, AND OTHER JURISDICTIONAL RECORDS	Records relating to the annexation or disannexation of territory to or from a local government, to its abolition, or to other actions which affect its territorial jurisdiction or service area, including reports, correspondence, records of public hearings, agreements, and similar records.	PERMANENT.	Retention Note: A contract or agreement relating to territorial jurisdiction or the delivery of services between two or more governments (e.g., between a city and a county for fire services in an unincorporated area) must be kept for the retention period in item number GR1000-25.
*GR1000-23	CHARTERS	Charters, Articles of Incorporation, Orders of Incorporation, Orders of Change, or other similar documents used to establish or modify the administration of a local government.	PERMANENT.	
*GR1000-24	COMPLAINTS	Complaints received from the public by a governing body or any officer or employee of a local government relating to government employees, policies, etc.	Resolution or dismissal of complaint + 2 years.	Retention Notes: a) The 2-year retention period applies only to complaints of a general nature that do not fall into a different category of complaint noted in this or other commission schedules. For example, complaints from the public about potential fire hazards are scheduled in Local Schedule PS (Records of Public Safety Agencies) and have a longer retention period. b) For complaints received from local government employees see GR1050-20.
*GR1000-25	CONTRACTS, LEASES, AND AGREEMENTS	Contracts, leases, and agreements, including reports, correspondence, performance bonds, certificates of liability, and similar records relating to their negotiation, administration, renewal, or termination, except construction contracts (see item number GR1075-16).	4 years after the expiration or termination of the instrument according to its terms.	Retention Note: Review before disposal; some records of this type may merit PERMANENT retention for historical reasons.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-26	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES			<p>Retention Note: The minimum retention period for correspondence or internal memoranda in categories (a) and (b) directly linked to another record series or group listed in this or other commission schedules is that assigned to the other group or series. For example, a letter from an external auditor regarding an audit of a local government’s financial records should be retained for the retention period given under item number GR1025-01(e); a letter concerning a workers compensation claim should be retained for the period given under item number GR1050-32, etc. The retention periods that follow are for correspondence and internal memoranda that do not readily fall within other record groups.</p>
GR1000-26a	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	Administrative – Incoming/outgoing and internal correspondence pertaining to the formulation, planning, implementation, modification, or redefinition of the programs, services, or projects of a local government and the administrative regulations, policies, and procedures that govern them. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.	4 years.	<p>Retention Note: Review before disposal; some correspondence of this type may merit PERMANENT retention for historical reasons.</p>
*GR1000-26b	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	General – Incoming/outgoing and internal correspondence pertaining to the regular operation of the policies, programs, services, or projects of a local government. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.	2 years.	<p>Retention Note: Records management officers should use caution before disposal of these records to ensure the records should not be classified under administrative correspondence (GR100-26a).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-26c	CORRESPONDENCE, INTERNAL MEMORANDA, AND SUBJECT FILES	Routine - Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notices, and similar routine matters. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.	AV.	
*GR1000-27	DEEDS	Deeds, title opinions, abstracts and certificates of title, title insurance, documentation concerning alteration or transfer of title, and similar records evidencing public ownership of real property.	PERMANENT.	
GR1000-28	EASEMENTS	Documentation relating to easements and rights-of-way for public works or other local government purposes, including releases.	PERMANENT.	
*GR1000-29	INSURANCE POLICIES	Liability, theft, fire, health, life, automobile, and other policies for local government property and personnel including supporting documentation relevant to the implementation, modification, renewal, or replacement of policies.	4 years after expiration or termination of the policy according to its terms and all rights granted under it.	
GR1000-30	LEGAL OPINIONS	Formal legal opinions rendered by counsel or the Attorney General for a local government, including any written requests for opinions, concerning the governance and administration of a local government.	PERMANENT.	<p>Retention Note: For retention of opinions rendered for a Public Information Act Request see GR1000-34.</p> <p>For retention of informal legal opinions and other correspondence provided by counsel see GR1000-26a.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-31	LITIGATION CASE FILES		AV after decision of a local government not to file a lawsuit or decision that a lawsuit will not be filed against it; dismissal of a lawsuit for want of prosecution or on motion of the plaintiff; or final decision of a court (or of a court on appeal, if applicable) in a lawsuit.	Retention Notes: a) Includes all cases to which a local government is a party unless the case file is of a type noted elsewhere in this or other commission schedules. b) Review before disposal; some case files may merit PERMANENT retention for historical reasons.
*GR1000-32	MINUTES (STAFF)	Minutes of internal staff meetings.	AV.	Retention Note: For minutes of governing bodies of local governments see GR1000-03.
GR1000-33	PUBLIC RELATIONS RECORDS	News, press releases, or any public relations files maintained or issued by an agency. Includes print, electronic, audio, and audiovisual records.	2 years.	Retention Note: Review before disposal; some records may merit PERMANENT retention for historical reasons.
GR1000-34	PUBLIC INFORMATION ACT REQUESTS	Includes all correspondence and documentation relating to requests for records under the Public Information Act (Chapter 552, Government Code).		
*GR1000-34a	PUBLIC INFORMATION ACT REQUESTS	Non-exempted records and withdrawn requests.	Date request for records fulfilled or withdrawn + 1 year.	
*GR1000-34b	PUBLIC INFORMATION ACT REQUESTS	Exempted records.	Date of notification that records requested are exempt from disclosure + 2 years.	
*GR1000-35	ORGANIZATIONAL CHARTS		US.	Retention Note: Review before disposal; some records may merit PERMANENT retention for historical reasons.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-36	PERMITS AND LICENSES	Records documenting the application for and the issuance of permits and licenses (including certificates of liability and other required documentation) by a local government for sales, solicitation, facility usage, and similar activities. Does not include permits and licenses issued for the construction of or alterations to real property, for those relating to health and sanitation, or for those issued by police or fire departments listed in other commission schedules.	Expiration, cancellation, revocation, or denial + 2 years.	
*GR1000-37	PHOTOGRAPHS, IMAGES, RECORDINGS, AND OTHER NON-TEXTUAL MEDIA	Photographs, photographic scrapbooks, slides, sound recordings, videotapes, posters, and other non-textual media that document the history and activities of a local government or any of its departments, programs, or projects except such records noted elsewhere in this or other commission schedules.	AV.	Retention Note: Review before disposal, some records may merit PERMANENT retention for historical reasons. Local governments should consult with local historical or genealogical societies to assist with the appraisal. Be certain that photographs and other non-textual media do not fall within other records series. For example, mug shots and photographs of fire damage are listed in Local Schedule PS (Records of Public Safety Agencies) under police and fire department records respectively.
GR1000-38	POLICY AND PROCEDURE DOCUMENTATION	Executive orders, directives, manuals, and similar documents that establish and define the policies, procedures, rules, and regulations governing the operations or activities of a local government as a whole or any of its departments, programs, services, or projects.	US, expired, or discontinued + 5 years.	Retention Note: Review before disposal; some records may merit PERMANENT or long-term retention for historical or legal reasons.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-39	PUBLICATIONS	Pamphlets, reports, studies, proposals, and similar material printed by or for a local government or any of its departments, subdivisions, or programs and distributed to or intended for distribution to the public on request and departmental or program newsletters designed for internal distribution.	One copy of each PERMANENT.	Retention Note: The following categories of printed material, whether distributed publicly or internally, are exempted from the retention period and may be disposed of at option; (a) educational matter provided by charitable or public awareness organizations (e.g., United Way, American Heart Association); and (b) public service leaflets or flyers whose contents are of a general nature and not specific to the government distributing them, beyond the inclusion of an address, telephone number, office hours, and similar information (e.g., a flyer detailing water conservation tips sent to customers of a municipal water utility; a pamphlet explaining the appraisal review board process sent to taxpayers by an appraisal district).
GR1000-40	RECORDS MANAGEMENT RECORDS			
GR1000-40a	RECORDS MANAGEMENT RECORDS	Records control schedules (including all successive versions of and amendments to schedules).	US.	Retention Note: Original is retained by the State and Local Records Management Division, Texas State Library and Archives Commission.
*GR1000-40b	RECORDS MANAGEMENT RECORDS	Records documenting the disposition of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed.	PERMANENT.	
GR1000-40c	RECORDS MANAGEMENT RECORDS	Lists or inventories of the active and inactive records created or received by a local government.	US, expired, or discontinued.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-40d	RECORDS MANAGEMENT RECORDS	Plans and similar documents establishing the policies and procedures under which a records management program operates.	US, expired, or discontinued + 5 years.	
*GR1000-40e	RECORDS MANAGEMENT RECORDS	Records transmittal forms or similar records documenting transfer of records to or from a records storage facility.	Date of disposition or return of records from storage, whichever sooner, +2 years.	
GR1000-41	REPORTS AND STUDIES (NON-FISCAL)			

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-41a	REPORTS AND STUDIES (NON-FISCAL)	Annual, sub-annual, or irregularly prepared reports, performance audits, or planning studies submitted to the governing body or chief administrative officer of a local government or by the local government to a state agency, as may be required by law or regulation, on the non-fiscal performance of a department, program, or project or for planning purposes, including those prepared by consultants under contract with a local government, except documents of similar types noted in this or other commission schedules.		
		(1) Annual reports.	PERMANENT.	
		(2) Special reports or studies prepared by order or request of the governing body or considered by the governing body (as reflected in its minutes) or ordered or requested by a state agency or a court.	PERMANENT.	
		(3) Special reports or studies prepared by order or request of the chief administrative officer.	5 years.	Retention Note: Review before disposal; some records may merit PERMANENT retention for historical reasons.
		(4) Monthly, bimonthly, quarterly, or semi-annual reports.	3 years.	
		(5) Working papers and raw data used to create any report for (1) and (2) above.	3 years.	
		(6) Working papers and raw data used to create any report for (3) and (4) above.	1 year.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1000-41b	REPORTS AND STUDIES (NON-FISCAL)	Activity reports compiled on a daily or other periodic basis pertaining to workload measures, time studies, number of public contacts, etc., except reports of similar types noted in this or other commission schedules.	1 year.	
*GR1000-42	WAIVERS OF LIABILITY	Waivers of liability, including statements signed by volunteers acknowledging non-entitlement to benefits, agreeing to abide by local government policies, etc.	3 years from date of cessation of activity for which the waiver was signed.	Retention Note: If an accident occurs to any person covered by a signed waiver of liability, it must be retained for the same period as accident reports. See item number GR1000-20 in this schedule.
GR1000-43	CONFLICTS DISCLOSURE STATEMENTS AND CONFLICT OF INTEREST QUESTIONNAIRES	Conflicts disclosure statements and conflict of interest questionnaires submitted by local government officers or vendors and other persons for filing with a local government in accordance with the requirements of Chapter 176, Local Government Code.	Date of filing + 3 years.	
GR1000-44	LOCAL GOVERNMENT OFFICERS, LISTS OF	Lists of local government officers prepared and made available to the public by the local government officer with whom conflicts disclosure statements and conflict of interest questionnaires are filed in accordance with the requirements of Chapter 176, Local Government Code.	US + 1 year.	
GR1000-45	CALENDARS, APPOINTMENT AND ITINERARY RECORDS	Calendars, appointment books or programs, and scheduling or itinerary records, purchased with local government funds or maintained by staff during business hours that document appointments, itineraries and other activities of agency officials or employees.	CE + 1 year.	Retention Note: A record of this type purchased with personal funds, but used by a public official or employee to document his or her work activities may be a local government record and subject to this retention period. See Open Records Decision 635 issued in December 1995 by the Texas Attorney General.
GR1000-46	INSURANCE CLAIMS	Claims related to liability, theft, fire, health, life, automobile, and other insurance policies.	Settlement or denial of claim + 3 years.	
GR1000-47	CUSTOMER SURVEYS	Surveys returned by the customers or clients of a local government, and the statistical data maintained rating a government's performance.	Issuance of report on results of the survey + 3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-50	TRANSITORY INFORMATION	<p>Records of temporary usefulness that are not an integral part of a records series of a local government, that are not regularly filed within a local government’s recordkeeping system, and that are required only for a limited period of time for the completion of an action by an official or employee of the local government or in the preparation of an ongoing records series.</p> <p>Transitory records are not essential to the fulfillment of statutory obligations or to the documentation of government functions. Some examples of transitory information, which can be in any medium (voice mail, fax, email, hard copy, etc.) are drafts and working papers; routine messages; telephone message notifications; internal meeting notices; routing slips; incoming letters or memoranda of transmittal that add nothing of substance to enclosures; and similar routine information used for communication, but not for the documentation, of a specific government transaction.</p>	AV.	<p>Retention Note: Records management officers should use caution in assigning this record series to records of a local government to make certain they are not part of another records series listed in this schedule or, for records series unique to an agency, are not part of a records series that documents the fulfillment of the statutory obligations of the agency or the documentation of its functions.</p> <p>The disposal of transitory information need not be documented through destruction authorizations or in records disposition logs, but local governments should establish procedures governing disposal of these records.</p>
*GR1000-51	SPEECHES, PAPERS, AND PRESENTATIONS	Notes or text of speeches, papers, presentations, or reports delivered in conjunction with government work by staff of a local government.	End of event, US, or discontinued + 2 years.	<p>Retention Notes: a) For speeches, papers, and presentations of elected officials see GR1000-08.</p> <p>b) For materials developed for in-house training of staff see GR1050-28c.</p>
*GR1000-52	SUBPOENAS	Subpoenas for production of evidence produced for litigation in which the local government is not a party.	AV after fulfilled.	<p>Retention Notes: a) For subpoenas received for litigation in which the local government is a party see GR1000-31.</p> <p>b) For subpoenas requesting personally identifiable information of students see SD3225-02 (for school districts) or JC3775-02 (for junior colleges).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1000-53	RELEASE OF RECORDS DOCUMENTS	Records that document the release of records or information through any method other than a Public Information Act request or subpoena (including employment verification).	Date records produced + 1 year.	<p>Retention Notes: a) For records released under the Public Information Act see GR1000-34.</p> <p>b) For records produced for a subpoena where the local government is not a party, see GR1000-52.</p> <p>c) For records produced for a subpoena where the local government is a party, see GR100-31.</p>
*GR1000-54	COMMITTEE RECORDS	Records of committees, councils, boards, or commissions which are not subject to the Texas Open Meetings Act. Records may include, but are not limited to, member lists, officer election records, agendas, meeting minutes, and related documentation and correspondence.	2 years.	<p>Retention Notes: a) For records of committees, councils, boards, or commissions which are subject to the Texas Open Meetings Act see Section 1-1 of this schedule.</p> <p>b) Review before disposal; some records may merit PERMANENT retention for historical reasons.</p>
*GR1000-55	LOBBYIST REGISTRATION DOCUMENTATION	Forms, reports, or other similar documents submitted to local governments documenting lobbying activities as required by local regulations.	Date of filing + 3 years.	

PART 2: FINANCIAL RECORDS

Retention Notes: a) **AUDIT REQUIREMENTS** - Most local governments are required by state law to conduct annual or biennial audits of their records and accounts. These audit requirements were taken into account in setting the retention periods in this schedule. The following retention rules also apply:

- 1) In any local government for which there is no statutory audit requirement and audits are conducted irregularly or in a local government in which a statutorily required audit is delayed, any record in this schedule whose retention period dates from the end of a fiscal year (FE) must be retained for the retention period stated or one year after audit, whichever later.

2) With regard to any special fund of a local government or elective county office for which there is no statutory audit requirement and the fund is not audited, any records listed under item numbers GR1025-26, GR1025-27, GR1025-28, and GR1025-30 associated with receipts and disbursements from or to the fund must be retained for FE + 10 years.

b) GRANT OR LOAN RECORDS - Subsections (1)-(3) apply to any local government, except school districts, receiving federal, state, or private grants; subsection (4) applies to school districts only. If a grant or loan requires a longer retention period than those stated in this schedule, the associated records must be retained for the full retention period required by the terms of the grant or loan.

1) Direct Federal Grants - This subsection applies to grants received by a local government **directly** from a federal grantor agency.

i) Federal grantor agencies require that grant-related records be retained for audit purposes for 3 years from the filing of required expenditure reports.

ii) In addition to item number GR1025-08(a)-(b), financial and programmatic records of grant-funded projects, including copies or documentation of relevant accounting, banking, purchasing, and payroll records, and other documents and working papers associated with the financial and programmatic administration of the grant funds or used to prepare reports or forms required by federal law or regulation must be retained for the following periods:

(A) For grants continued or renewed annually or at other intervals except quarterly that are not part of a multi-year funding cycle - 3 years from the date of submission of the annual or other periodic expenditure report.

B) For grants continued or renewed annually or at other intervals except quarterly that are a part of a multi-year funding cycle – 3 years from the date of submission of the annual or other periodic expenditure report for the final reporting period of the grant cycle.

C) For grants continued or renewed quarterly - 3 years from the date of submission of the expenditure report for the last quarter of the federal fiscal year.

D) For grants for which the requirement of a final expenditure report has been waived - 3 years from the date the report would have been due.

E) For all other grants – 3 years from the date of submission of the final expenditure report.

iii) The retention periods for the following types of records are exceptions to the periods noted above:

A) Records of non-expendable property or equipment acquired with grant funds - 3 years from the date of transfer, replacement, sale, or junking of the item.

B) Cost allocation plans and indirect cost records - 3 years from date of submission or, for plans prepared and retained by the grantee, from the close of the fiscal year covered by the plan.

C) Income records - 3 years from the end of the fiscal year in which the income is used.

iv) If any litigation or audit commences before the expiration of the 3-year period, the records must be retained until all litigation or audit findings are resolved or until the end of the regular 3-year period, whichever is later.

v) If records are transferred to the grantor agency at its request, copies of the records need not be retained.

2) Indirect Federal Grants - This subsection applies to federal grants received as subgrants from state agencies or other local governments (e.g., regional councils of government).

The expenditure reports are submitted to the federal agency by the state or local subgrantor agency after all subgrantees have submitted reports to the subgrantor. Consequently, records under item number GR1025-08(a)-(b) and records described in section (b) (1) must be retained by local government subgrantees for FE + 5 years. Local governments should consult with the state or local subgrantor agency to determine if there are additional or special requirements associated with a particular grant.

The local government must retain copies of reports or records submitted to the subgrantor agency for the periods indicated.

3) State and Private Grants - This schedule extends the 3-year federal retention requirement described in section (b)(1) to state (excluding federal subgrants) and private grant records unless the state or private grantor agency has established different retention requirements, in which case those requirements shall prevail. It is an exception to the extension of federal grant requirements to state and private grants that for state or private grants renewed quarterly as described in section (b) (1) (ii) (B), the 3-year retention requirement runs from the date of submission of the expenditure report for the last quarter of the state fiscal year for state grants and from the last quarter of the local government's fiscal year for private grants.

4) Grant Records and School Districts (including Educational Service Centers) - See Local Schedule SD (Records of Public School Districts). Because of the difficulty of effectively separating financial data that evidence the expenditure of federal funds from those that document the expenditure of local or state-allocated funds, a 5-year retention period has been adopted for most financial records of school districts. The use of the term "school district" in this schedule includes educational service centers, charter schools, county departments of education, and educational cooperatives.

SECTION 2-1: FISCAL ADMINISTRATION AND REPORTING RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1025-01	FISCAL AUDIT RECORDS	Records of fiscal audits conducted by internal or external auditors.		Caution: See note (a) at the beginning of Part 2 of this schedule.
*GR1025-01a	FISCAL AUDIT RECORDS	Annual, biennial, or other periodic audit of any department, fund, account, or activity of a local government.	PERMANENT.	
*GR1025-01b	FISCAL AUDIT RECORDS	Annual, biennial, or other periodic audit of a department, program, fund, or account if included in a cumulative audit under (a).	2 years.	
*GR1025-01c	FISCAL AUDIT RECORDS	Annual, biennial, or other periodic audit of a department, program, fund, or account if not included in a cumulative audit under (a).	PERMANENT.	
*GR1025-01d	FISCAL AUDIT RECORDS	Special audits ordered by a governing body, a court or grand jury, or mandated by administrative rules of a state or federal agency.	PERMANENT.	
*GR1025-01e	FISCAL AUDIT RECORDS	Working papers, summaries, and similar records created for the purposes of conducting an audit.	3 years after all questions arising from the audit have been resolved.	
GR1025-02	BANK SECURITY RECORDS	Records documenting the pledging of bonds or securities by banks serving as depositories for public funds including depository contracts, security pledges and statements, surety bonds, and similar records.	4 years after termination, expiration, or release of contractual obligations.	
*GR1025-03	BOND RECORDS			Retention Note: For investment transaction records of bonds see item number GR1025-09b.
GR1025-03a	BOND RECORDS	Bond administrative records consisting of preliminary studies, proposals and prospectuses, authorizations and certifications for issuance or cancellation, and related policy correspondence.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-03b	BOND RECORDS	Bond certificates and redeemed coupons.	1 year after payment.	By law - Government Code, Section 1302.003 for counties (see statute for procedural instructions for destruction) and by authority of this schedule for all other local governments.
GR1025-03c	BOND RECORDS	Bond registers.	PERMANENT.	
GR1025-03d	BOND RECORDS	Records relating to the exchange, conversion, or replacement of bonds by bondholders.	1 year if information is contained in a bond register; PERMANENT if information is not contained in a bond register.	
GR1025-04	BUDGETS AND BUDGET DOCUMENTATION			
GR1025-04a	BUDGETS AND BUDGET DOCUMENTATION	Annual budgets (including amendments).	PERMANENT.	
GR1025-04b	BUDGETS AND BUDGET DOCUMENTATION	Special budgets (includes budgets for capital improvement projects, grant-funded projects, or other projects prepared on a special or emergency basis and not included in an annual budget).	PERMANENT.	
*GR1025-04c	BUDGETS AND BUDGET DOCUMENTATION	Working papers created exclusively for the preparation of budgets, including budget requests, justification statements, and similar documents.	3 years.	
GR1025-04d	BUDGETS AND BUDGET DOCUMENTATION	Encumbrance and expenditure reports (status reports showing expenditures and encumbrances against a budget).	2 years.	
GR1025-04e	BUDGETS AND BUDGET DOCUMENTATION	Budget change documentation, including line item or contingency/reserve fund transfers and supplemental budget requests.	2 years.	
GR1025-05	CAPITAL ASSETS RECORDS	Documentation relating to the capital and fixed assets of a local government.		

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1025-05a	CAPITAL ASSETS RECORDS	Equipment or property history cards or similar records containing data on initial cost, including disposal authorizations when disposed of.	FE of date of disposal + 5 years for school districts; FE of date of disposal + 3 years for other governments.	Retention Note: Review before disposal; property history cards documenting the original construction and additions to or renovations of structures may merit PERMANENT retention for historical reasons.
GR1025-05b	CAPITAL ASSETS RECORDS	Equipment or property cost and depreciation schedules or summaries used for capital outlay budgeting or other financial or budget control purposes.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1025-05c	CAPITAL ASSETS RECORDS	Equipment or property inventories (including sequential number property logs).	US + 3 years.	
GR1025-05d	CAPITAL ASSETS RECORDS	Property sale, auction, or disposal records of government-owned equipment or property.	1 year.	By law - Local Government Code, Section 263.155(b) for counties and by authority of this schedule for all other local governments. Retention Note: Property sale or auction records do not include records arising from the sale or auction of property foreclosed or seized by a taxing unit for failure to pay property taxes or for the sale or auction of property seized by law enforcement officers. For such records use Local Schedule TX (Records of Property Taxation) or Local Schedule PS (Records of Public Safety Agencies) respectively.
*GR1025-06	FEDERAL REVENUE SHARING RECORDS	Records concerning the use of federal revenue sharing funds by a local government, including revenue and expenditure summaries; status, budget, and audit reports; and other reports or documentation required by federal law or regulation.	AV.	Obsolete record.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-07	FINANCIAL REPORTS	Annual, sub-annual, or irregularly prepared financial reports or statements on the accounts, funds, or projects of a local government created either for internal use or for submission to state agencies as may be required by law or regulation, except reports of similar types noted in this or other commission schedules.		
GR1025-07a	FINANCIAL REPORTS	Monthly, bimonthly, quarterly, or semi-annual reports.	FE + 3 years.	
GR1025-07b	FINANCIAL REPORTS	Annual reports.	PERMANENT.	
GR1025-07c	FINANCIAL REPORTS	Long range fiscal planning reports.	PERMANENT.	
GR1025-07d	FINANCIAL REPORTS	Capital improvement reports.	PERMANENT.	
GR1025-08	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS			Retention Note: If grant is for construction of a local government owned facility or part of the infrastructure, follow retention for GR1075-16.
GR1025-08a	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Successful grant applications and proposals and any documentation that modifies the terms of a grant.	FE + 5 years for school districts; FE + 3 years for other governments.	Retention Note: See note (b) at beginning of Part 2 of this schedule.
GR1025-08b	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Financial, performance, and compliance reports submitted to grantor or sub-grantor agencies.	FE + 5 years for school districts; FE + 3 years for other governments.	Retention Note: See note (b) at beginning of Part 2 of this schedule.
GR1025-08c	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Reports, planning memoranda, studies, correspondence, and similar records created for and used in the development of successful grant proposals.	3 years.	
GR1025-08d	GRANT DEVELOPMENT AND ADMINISTRATIVE RECORDS	Any records of the type noted in (a) or (b) relating to unsuccessful grant proposals.	AV.	
GR1025-09	INVESTMENT TRANSACTION RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-09a	INVESTMENT TRANSACTION RECORDS	Documentation relating to the investment of public funds (e.g., certificates of deposit) that evidences the investment of funds, the performance or return of investments, the cancellation or withdrawal of investments, and similar activity.	FE + 5 years.	
GR1025-09b	INVESTMENT TRANSACTION RECORDS	Documentation related to the calculation of arbitrage rebate amounts, if any, on proceeds from the sale of tax-exempt bonds.	Retirement of the last obligation of the bond issue + 6 years.	
GR1025-10	CHARGE SCHEDULES/ PRICE LISTS	Schedules of prices charged by a local government for services to the public or other governments, including any documentation used to determine the charges.	US + 3 years.	

SECTION 2-2: ACCOUNTING RECORDS

Retention Note: ACCOUNTING RECORDS OF MOTOR VEHICLE AND BOAT LICENSING AND REGISTRATION - For accounting and banking records relating to motor vehicle licensing not noted in this part, use Part 3 of Local Schedule TX.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-25	ACCOUNTING POLICIES AND PROCEDURES DOCUMENTATION	Policy and procedure directives and similar records documenting accounting methodology.	US, expired, or discontinued + 5 years.	
GR1025-26	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS			
*GR1025-26a	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Claims, invoices, statements, copies of checks and purchase orders, expenditure authorizations, and similar records that serve to document disbursements, including those documenting claims for and reimbursement to employees for travel and other employment-related expenses.	FE of date of final payment + 5 years for school districts; FE of date of final payment + 3 years for other governments.	Retention Note: Accounts payable and disbursement records for bond-funded projects must be maintained according to the retention period listed in GR1025-26d.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1025-26b	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Accounts payable records sufficient to document the purchase costs of capital equipment or other fixed assets.	FE of date of disposal + 5 years for school districts; FE of date of disposal + 3 years for other governments.	
*GR1025-26c	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Reports accompanying the transmittal of funds to federal, state, or other local government agencies (e.g., sales tax to the State Comptroller of Public Accounts); to retirement systems, or to other entities if the funds are collected, in whole or in part, on behalf of other agencies or individuals (e.g., retirement deductions of employees).	FE of period covered by report + 3 years.	Retention Note: For reports accompanying the transmittal of federal and state payroll and unemployment taxes see item number GR1050-53(b).
GR1025-26d	ACCOUNTS PAYABLE AND DISBURSEMENT RECORDS	Accounts payable records for bond-funded projects.	FE of date of last bond payment + 5 years for school districts; FE of date of last bond payment + 3 years for other governments.	
GR1025-27	ACCOUNTS RECEIVABLE RECORDS			Retention Note: For accounts receivable records associated with the collection of property taxes, all local governments, including school districts, should use Local Schedule TX (Records of Property Taxation).
*GR1025-27a	ACCOUNTS RECEIVABLE RECORDS	Bill copies or stubs, statements, billing registers, account cards, deposit warrants, cash receipts, credit card receipts, receipt books, cash transfers, daily cash reports, cash drawer reconciliations, and similar records (such as returned checks and associated fees) that serve to document money owed to or received by a local government and its collection or receipt.	FE of date of receipt + 5 years for school districts; FE of date of receipt + 3 years for other governments.	
GR1025-27b	ACCOUNTS RECEIVABLE RECORDS	Accounts receivable records documenting the receipt of any monies by any local government that are remittable to the State Comptroller of Public Accounts (e.g., court costs in criminal cases, sales tax).	Remittance due date + 5 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-27c	ACCOUNTS RECEIVABLE RECORDS	Account card or similar records documenting payments to a local government in which the government holds a property lien until the debt is satisfied (e.g., liens arising from demolition, lot cleaning), including original liens and lien releases.	FE of date of final payment and release of lien + 3 years.	
GR1025-27d	ACCOUNTS RECEIVABLE RECORDS	Account card or similar records relating to the receipt of cash deposits as sureties for the delivery of services (e.g., water and wastewater).	FE of termination of service or refund of deposit + 3 years.	
*GR1025-27e	ACCOUNTS RECEIVABLE RECORDS	Records of accounts deemed uncollectable, including write-off authorizations.	FE of write-off date + 5 years for school districts; FE of write-off date + 3 years for other governments.	
*GR1025-28	BANKING RECORDS	Bank statements, credit card statements, canceled checks, check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, monetary transport records (including armored car pickup logs) etc.	FE + 5 years.	
GR1025-29	COST ALLOCATION AND DISTRIBUTION RECORDS	Records created to document the allocation of costs among accounts and funds of a local government, including records relating to chargebacks and other interdepartmental or interfund accounting transactions.	FE + 5 years for school districts; FE + 3 years for other governments.	Retention Note: If any of the records in this group are used as ledger and journal entry documentation, they must be retained for FE + 5 years (see item number GR1025-30) by all local governments.
GR1025-30	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION			Retention Note: Be certain to verify before the disposal of any ledger or journal under this item number that the ledger or journal does not serve to document financial activities that require a longer retention period (e.g. investment documentation of proceeds of tax exempt bonds under item number GR1025-09).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-30a	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	General ledger showing receipts and expenditures from all accounts and funds of a local government.		
		(1) For fiscal years for which an annual financial audit report (see item number GR1025-01) exists.	FE + 5 years.	Retention Note: Review before disposal; some ledgers may merit PERMANENT retention for historical reasons.
		(2) For fiscal years for which an annual financial audit report (see item number GR1025-01) does not exist.	PERMANENT.	
GR1025-30b	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Subsidiary ledgers.	FE + 5 years.	Retention Note: Review before disposal; some ledgers may merit PERMANENT retention for historical reasons.
GR1025-30c	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Receipt, disbursement, general, or subsidiary journals.	FE + 5 years.	Retention Note: Review before disposal; some journals may merit PERMANENT retention for historical reasons.
GR1025-30d	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Journal vouchers and entries or similar posting control forms (including supporting documentation such as correspondence and auditor adjustments that evidence journal entries and amendments).	FE + 5 years.	Retention Note: If bill stubs (see item number GR1025-27a) are used as entry documentation for account journals, they must be retained by all local governments for FE + 5 years rather than the FE + 3 year retention period for accounts receivable records.
GR1025-30e	LEDGERS, JOURNALS, AND ENTRY DOCUMENTATION	Perpetual care fund registers of government-owned cemeteries.	PERMANENT.	By law - Health and Safety Code, Section 713.005(a).
GR1025-31	TRANSACTION SUMMARIES	Periodic summaries or reports of accounting transactions or activity by department, budget code, program, account, fund, or type of activity, including trial balances, unless the summary is of a type noted elsewhere in this part.		
GR1025-31a	TRANSACTION SUMMARIES	Daily.	30 days.	
GR1025-31b	TRANSACTION SUMMARIES	Weekly.	90 days.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1025-31c	TRANSACTION SUMMARIES	Monthly, bimonthly, quarterly, or semi-annual.	2 years.	
GR1025-31d	TRANSACTION SUMMARIES	Annual.	FE + 5 years for school districts; FE + 3 years for other governments.	Retention Note: If an annual trial balance is not maintained, then the least frequent sub-yearly trial balance must be retained for FE + 5 years by school districts and FE + 3 years by all other local governments.
GR1025-32	UNCLAIMED PROPERTY DOCUMENTATION	Any form of record sufficient to verify information on unclaimed property previously reported to the State Treasurer showing the name and last known address of the apparent owner of reportable unclaimed property, a brief description of the property, and the balance of each unclaimed account, if appropriate.	Date on which property is reportable + 10 years.	By law - Property Code, Section 74.103(b).

PART 3: PERSONNEL AND PAYROLL RECORDS

Retention Notes: a) FEDERAL RETENTION REQUIREMENTS - Federal retention periods for personnel and payroll records arise principally from the administration of the Civil Rights Act of 1964, Title VII; the Age Discrimination and Employment Act of 1967; the Equal Pay Act; the Fair Labor Standards Act; the Federal Insurance Contribution Act; and the Federal Unemployment Tax Act. Various federal agencies or departments of agencies administer these acts and, because retention periods are set to enable each agency to carry out its particular oversight authority, different retention periods are often established for the same record. In compiling Schedule GR, the longest applicable federal retention period is cited as authority for the retention period indicated. A federal regulation is not cited if a state law or regulation requires a longer retention period. A federal retention period is also not cited if a Texas statute of limitations makes a longer retention period advisable. For example, the federal retention requirement for employment contracts [see item number GR1050-15(a)] is given as 3 years from the last effective date of the contract in 26 CFR 516.5, but suits in Texas may be brought by either party to such a contract within four years of the occurrence of an alleged breach; therefore a retention period of 4 years from the last effective date of the contract is set in this schedule. All retention periods in this part apply, by authority of this schedule, to all local governments, although some of them may be otherwise exempt from the federal requirement cited. This provision does not require the creation by exempted local governments of any special documentation demonstrating compliance with federal regulations that may be required of non-exempted governments.

b) PERSONNEL FILES - The individual employee personnel file is not scheduled as a unit in this section; documents normally placed in such files are scheduled separately.

c) TERMINATED EMPLOYEES - Notwithstanding any retention periods in this part, all personnel records existing on the date of termination of an involuntarily terminated employee must be retained for 2 years from the date of termination [29 CFR 1602.31, 1602.40, and 1602.49].

d) JTPA AND CETA EMPLOYEES - Any records maintained on applicants for or holders of positions paid in whole or in part from Comprehensive Employees’ Training Act (CETA) funds or affirmative action apprenticeship program funds administered by the U. S. Department of Labor must be retained for 5 years from the date of enrollment in the program [29 CFR 30.8(e)]. This 5-year retention period is extended by authority of this schedule to comparable records on applicants for or holders of positions paid in whole or in part from Job Training Partnership Act (JTPA) funds.

e) DEFINITION OF EMPLOYEE - For the purposes of this part, the term “employee” also includes elected or appointed officials of a local government who are paid wages or a salary from any funds of the local government and anyone voluntarily working or not receiving payment or compensation for working.

f) PERSONNEL RECORDS IN SHERIFF'S DEPARTMENTS IN CERTAIN COUNTIES - The Local Government Code, Section 157.904, provides that sheriff’s departments in counties with a population of 3.3 million or more shall maintain “a permanent personnel file on each department employee.” The precise contents of a personnel file are not specified, but three groups of records are expressly mentioned. Consequently, any record in item numbers GR1050-03, GR1050-07, and GR1050-21, all of which are records of a type mentioned in the statute, must be retained permanently. The sheriffs and their legal counsel should determine what other records may be includable in a permanent personnel file in sheriffs’ departments subject to the law.

SECTION 3-1: PERSONNEL RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-01	AFFIRMATIVE ACTION PLANS			
GR1050-01a	AFFIRMATIVE ACTION PLANS	Reports, analyses, and statistical data compiled from source documentation used to develop, implement, and monitor affirmative action plans.	5 years.	By regulation - 29 CFR 30.8(e).
GR1050-01b	AFFIRMATIVE ACTION PLANS	Affirmative action plans.	US + 5 years.	By regulation - 29 CFR 30.8(e).
GR1050-02	APTITUDE AND SKILLS TEST RECORDS	Records relating to aptitude or skills tests required of job applicants or of current personnel to qualify for promotion or transfer, including civil service examinations.		
GR1050-02a	APTITUDE AND SKILLS TEST RECORDS	Validation studies.	Life of test + 2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-02b	APTITUDE AND SKILLS TEST RECORDS	Tests.	US + 2 years.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49. Retention Note: One copy of each different test (different in terms of either questions or administration procedures) should be retained for the period indicated.
*GR1050-02c	APTITUDE AND SKILLS TEST RECORDS	Test papers or results of persons taking tests.	Date of creation or personnel action involved, whichever later, + 2 years.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-02d	APTITUDE AND SKILLS TEST RECORDS	Records, other than those noted (a)-(c), relating to the planning and administration of tests.	3 years.	
*GR1050-03	AWARDS AND COMMENDATIONS	Individual award, honor, or commendation bestowed on an employee.	Date of separation + 5 years.	Retention Notes: a) For administrative records of awarding committees, see item number GR1050-09. b) Refer to Retention Note (f) on page 1 of this schedule for awards bestowed on certain Sheriff's office employees.
GR1050-04	CERTIFICATES AND LICENSES	Certificates, licenses, or permits required of employees to qualify for or remain eligible to hold a position requiring certification or licensing.	US or separation of employee + 5 years.	Retention Note: If the submission of copies of certificates, licenses, or permits is required of all applicants for a position, those of applicants not hired must be retained for 2 years under item number GR1050-14.
GR1050-05	CONFLICT OF INTEREST AFFIDAVITS		5 years after leaving position for which the affidavit was filed.	
GR1050-06	COUNSELING PROGRAM RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-06a	COUNSELING PROGRAM RECORDS	Reports of interviews, analyses, and similar records relating to the counseling of an employee for work-related, personal, or substance abuse problems, including any warnings associated with the counseling. Usually maintained at the supervisory level or by human resources departments.	3 years after termination of counseling.	Retention Note: For records retained by professional therapists; refer to Local Schedule HR for patient records.
GR1050-06b	COUNSELING PROGRAM RECORDS	Records relating to the planning, coordination, implementation, direction, and evaluation of an employee counseling program.	3 years.	
*GR1050-07	DISCIPLINARY AND ADVERSE ACTION RECORDS	Records created by civil service boards or by personnel or supervisory officers in considering, or reconsidering on appeal, an adverse action (e.g., demotion, probation, termination, suspension, leave without pay) against an employee, including, as applicable, witness and employee statements, interview reports, exhibits, reports of findings, and decisions and judgments.		Retention Note: Refer to Retention Note (f) on page 1 of this schedule for disciplinary records of certain Sheriff's office employees.
		(1) All employees of sheriff's departments in counties with a population of 3.3 million or more.	PERMANENT.	By law – Local Government Code, Section 157.904.
		(2) Police and fire department personnel in municipalities with a population of 10,000 or more that have established civil service boards under Local Government Code, Chapter 143.	PERMANENT.	By law – Local Government Code, Section 143.011(c).
		(3) All other local government employees.	2 years after case closed or action taken, as applicable.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-08	EMPLOYEE PENSION AND BENEFITS RECORDS			For records of pension and deferred compensation deductions from payroll see GR1050-52(b).

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-08a	EMPLOYEE PENSION AND BENEFITS RECORDS	Employee benefit plans such as pension; life, health, and disability insurance; seniority and merit systems; and deferred compensation plans, including amendments.	Termination of plan + 1 year.	By regulation - 29 CFR 1627.3(b)(2). Retention Note: If the plan or system is not in writing, a memorandum fully outlining the terms of the plan or system and the manner in which it has been communicated to affected employees, together with notations relating to any revisions, must be retained for the same period as written plans.
*GR1050-08b	EMPLOYEE PENSION AND BENEFITS RECORDS	<p>Enrollment forms providing personal identifying data, beneficiary information, option selection, acknowledgement forms, and similar information.</p> <p>(1) If the official record is maintained by the retirement system of which the local government is a member or by the service provider.</p> <p>(2) If the official record is maintained by the local government.</p> <p>(A) Pension and deferred compensation.</p> <p>(B) Life, health, accidental death, and disability insurance.</p> <p>(C) Any benefit other than those noted in (A) or (B).</p>	<p>AV.</p> <p>Date of separation + 75 years.</p> <p>Termination of coverage + 4 years.</p> <p>US or separation + 2 years, as applicable.</p>	<p>Retention Note: Documents that serve as payroll deduction authorizations must be maintained for the retention period prescribed for item number GR1050-50.</p>
GR1050-08c	EMPLOYEE PENSION AND BENEFITS RECORDS	Annual reports from a pension system or fund.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-09	EMPLOYEE RECOGNITION RECORDS	Award committee reports, selection criteria, nominations, and similar administrative records of employee award or incentive programs.	2 years.	Retention Note: For records of an award/commendation given to an individual employee, see item number GR1050-03.
GR1050-10	EMPLOYEE SECURITY RECORDS			
GR1050-10a	EMPLOYEE SECURITY RECORDS	Records created to control and monitor the issuance of keys, identification cards, passes, or similar instruments of identification and access.	US, date of expiration, or date of separation + 2 years, as applicable.	
GR1050-10b	EMPLOYEE SECURITY RECORDS	Records relating to the issuance of parking permits.	US.	
GR1050-11	EMPLOYEE SELECTION RECORDS	Notes of interviews with candidates; audio and videotapes of job interviews; applicant rosters; eligibility lists; test ranking sheets; justification statements for violating eligibility or ranking sequence; and previous injury checks; offers of employment letters; and similar records documenting the filling of a vacant position.	2 years from the creation (or receipt) of the record or the personnel action involved, whichever later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49. Retention Note: See GR1050-36 for background and criminal history checks.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-12	EMPLOYEE SERVICE RECORDS	Summary employment history record for each employee maintained on one or more forms, containing the following minimum information: name; sex; date of birth; social security number; positions held with dates of hire, promotion, transfer, or demotion; dates of leaves of absence or suspension that affect computation of length of service; wage or salary rate for each position held, including step or merit increases within grades; most recent public access option form; and date of separation.	Date of separation + 75 years.	<p>For other information on employees that must also be retained either as part of this record or in another form, see item numbers GR1050-52(b) and GR1050-54(a).</p> <p>Retention Notes: a) This schedule does not require the creation of an employee service record of the type described, but the creation of the record is strongly recommended to allow frequent disposal of documents from which information has been summarized. If an employee service record is not maintained, documents (e.g., employment applications, personnel action forms) containing the prescribed information must be retained date of separation + 75 years. More than one document providing the same element of required information need not be retained.</p> <p>b) The Teacher Service Record (Texas Education Agency Form FIN-115 or its equivalent), containing information required by statute or regulation, shall be considered an employee service record of the type described and must be retained date of separation + 75 years.</p> <p>c) Salary or wage data on an employee service record may be indicated by grade and step numbers if all corresponding wage rate tables (see item number GR1050-59) applicable to a person's employment history are retained date of separation + 75 years.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-13	EMPLOYMENT ADVERTISEMENTS OR ANNOUNCEMENTS	Advertisements or postings relating to job openings, promotions, training programs, or overtime opportunities, including jobs orders submitted to employment agencies.	2 years.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
*GR1050-14	EMPLOYMENT APPLICATIONS			
GR1050-14a	EMPLOYMENT APPLICATIONS	Applications, transcripts, letters of reference, and similar documents whose submission by candidates for vacant positions (both hired and not hired) or for promotion, transfer, or training opportunity (both selected and not selected) is required on the application form, by application procedures, or in the employment advertisement.	2 years from the creation (or receipt) of the record or the personnel action involved, whichever later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-14b	EMPLOYMENT APPLICATIONS	Samples of publications, artwork, or other products of prior achievement not returned to applicants.	AV.	
GR1050-14c	EMPLOYMENT APPLICATIONS	Transcripts of persons hired if state or federal law or regulation mandates a level of education needed to qualify for employment (e.g., school district professional and paraprofessional personnel). See also item number GR1050-28(a).	Date of separation + 5 years.	Retention Note: If applicant screening or hiring decisions are based on resumé, with only successful or interviewed candidates completing employment applications, then resumé of persons not hired must be kept for the same period as employment applications. If resumé are supplemental to employment application forms, they need only be retained as long as administratively valuable.
GR1050-15	EMPLOYMENT CONTRACT/COLLECTIVE BARGAINING RECORDS			
GR1050-15a	EMPLOYMENT CONTRACT/COLLECTIVE BARGAINING RECORDS	Contracts and agreements, including collective bargaining agreements, between a local government and an employee or a group of employees, including written acceptances of such contracts.	Last effective date of contract + 4 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-15b	EMPLOYMENT CONTRACT/COLLECTIVE BARGAINING RECORDS	Records relating to the negotiation of collective bargaining agreements or similar group contracts, including reports; correspondence; mediation or arbitration agreements; the proceedings, findings, and awards of arbitration boards; and similar records.	Last effective date of contract + 4 years or, if no agreement or contract results, 4 years.	
GR1050-16	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS			
GR1050-16a	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS	Reports, analyses, or statistical data compiled from source documentation used to complete EEO reports.	3 years.	By regulation - 29 CFR 1602.30, 1602.39, and 1602.48.
GR1050-16b	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS	EEO-1, EEO-4, EEO-5, and EEO-6 reports.	3 years.	By regulation - 29 CFR 1602.32, 1602.41, and 1602.50.
GR1050-16c	EQUAL EMPLOYMENT OPPORTUNITY RECORDS AND REPORTS	Case files relating to discrimination complaints, including complaints, legal and investigative documents, exhibits, related correspondence, withdrawal notices, and decisions or judgments.	Resolution of case + 3 years.	
GR1050-17	EQUAL PAY RECORDS	Reports, studies, aggregated or summarized data, and similar documentation compiled to monitor and demonstrate compliance with the Equal Pay Act.	2 years.	By regulation - 29 CFR 1620.32(c).
GR1050-18	FIDELITY BONDS		Effective life of bond + 5 years.	Retention Note: Does not include the Official Bond Record maintained by county clerks, which must be retained PERMANENTLY .
GR1050-19	FINGERPRINT CARDS		Date of separation + 5 years.	Retention Note: If fingerprint cards are created for all applicants for a position, those of persons not hired must be retained 2 years under item number GR1050-14.
*GR1050-20	GRIEVANCE RECORDS	Records relating to the review of employee grievances against personnel policies, working conditions, etc.	Final decision on the grievance + 2 years.	Retention Note: Do not confuse these records with those involving EEO complaints [see item number GR1050-16(c)].

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-21	JOB EVALUATIONS	Job evaluations, performance appraisals, or other similar documents used to evaluate the performance of employees.	US + 2 years or date of separation + 2 years, whichever sooner.	By regulation – 29 CFR 1620.32(c). Retention Notes: a) Refer to SD3575-05 pertaining to evaluations on school teachers. b) Refer to Retention Note (f) on page 1 of this schedule for evaluations of certain Sheriff’s office employees.
GR1050-22	MEDICAL AND EXPOSURE REPORTS			
*GR1050-22a	MEDICAL AND EXPOSURE REPORTS	Health, physical or psychological examination reports or certificates of all job applicants if physical or psychological condition is a factor in hiring decisions, including the promotion, transfer, or selection for training of current personnel.	2 years from the date of creation or personnel action involved, whichever is later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.
GR1050-22b	MEDICAL AND EXPOSURE REPORTS	Health or physical examination reports or certificates of employees for whom periodic monitoring of health or fitness is required. (1) For employees exposed in the course of their work to toxic substances, harmful physical agents, or bloodborne pathogens. (2) For all other employees.	Date of separation + 30 years. US + 2 years.	By regulation - 29 CFR 1910.1020(d)(1)(i)-(iii).
GR1050-22c	MEDICAL AND EXPOSURE REPORTS	Environmental, biological, and material safety monitoring reports concerning toxic substances and harmful physical agents in the workplace, including analyses derived from such reports.	30 years.	By regulation - 29 CFR 1910.1020(d)(1)(ii). See Local Schedule PW 5450-01 for Asbestos Management Records.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-22d	MEDICAL AND EXPOSURE REPORTS	<p>Records of controlled substances and alcohol use and testing.</p> <p>(1) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater; records of driver verified positive controlled substances test results; documentation of refusals to take required alcohol and/or controlled substances tests; driver evaluation and referrals; calibration documentation; records related to the administration of the alcohol and controlled substances testing programs; copy of each annual calendar year summary required by 49 CFR 382.403.</p> <p>(2) Records related to the alcohol and controlled substances collection process.</p> <p>(3) Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02.</p>	<p>5 years.</p> <p>2 years.</p> <p>1 year.</p>	By regulation – 49 CFR 382.403.
*GR1050-23	OATHS OF OFFICE	Any oaths or affirmations required of local government employees or officers. Includes the Statement of Elected Officer (Secretary of State Form 2201).	US + 5 years or 5 years after leaving position for which oath required, whichever is applicable.	
*GR1050-24	PERSONNEL ACTION OR INFORMATION NOTICES	Documents used by personnel officers to create or change information in the personnel records of individual employees concerning hiring, termination, transfer, pay grade, position or job title, leaves of absence, name changes, and similar personnel actions except those noted elsewhere in this part.	2 years from the date of creation or the personnel action involved, whichever is later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-25	PERSONNEL STUDIES AND SURVEYS	Studies, statistical reports, surveys, cost analyses and projections, and similar records, except those noted elsewhere in this part, on any aspect of the personnel management or administration of a local government.	3 years.	Retention Note: Review before disposal; some documents may merit PERMANENT retention for historical reasons.
GR1050-26	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS			
GR1050-26a	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS	Job descriptions, including any associated task or skill statements. Also includes documentation concerning the development and analysis of job descriptions and classification systems, including survey, review and audit reports; classification standards and guidelines; selection criteria; determination of classification appeals; etc.	US or position abolished + 4 years.	By regulation - 40 TAC 815.106(i).
GR1050-26b	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS	Position staffing and vacancy reports.	US.	
GR1050-26c	POSITION DESCRIPTION, CLASSIFICATION, AND STAFF MONITORING RECORDS	Personnel requisitions.	2 years.	
*GR1050-27	REDUCTION IN FORCE PLANS	Reduction in force plans and any related documentation.	US, or if implemented, 2 years from date of last reduction in force action under the plan.	
GR1050-28	TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS			For other records relating to aptitude or skills tests required of job applicants or of current personnel to qualify for promotion or transfer see item number GR1050-02.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-28a	TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS	Certificates of completion, transcripts, test scores, or similar records documenting the training, testing, or continuing education achievements of an employee if such training or testing is required for the position held or if the educational or skill attainment or enhancement affects or could affect career advancement in the local government or, in the case of licensed or certified personnel (e.g., school professionals, firefighters, police officers, health care professionals), in other governments or the private sector.	Date of separation + 5 years.	Retention Note: If information concerning training or testing (e.g., test scores) is transferred to an Employee Service Record (item number GR1050-12), the document from which the information is taken need be retained for only 2 years.
GR1050-28b	TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS	Records documenting the planning, development, implementation, administration and evaluation of in-house training programs.	2 years.	
GR1050-28c	TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS	Training manuals, syllabuses, course outlines, and similar training aids used in in-house training programs.	US, expired, or discontinued + 2 years.	
GR1050-28d	TRAINING AND EDUCATIONAL ACHIEVEMENT RECORDS	Skill or achievement measurement records of a training group or class as a whole (e.g., rosters with scores).	2 years.	Retention Note: If the only information documenting the in-house training of an employee of the types described in (a) is contained in the measurement records of a group or class as a whole, the group records must be retained for the date of separation + 5 years for all employees included in the group records.
GR1050-29	UNEMPLOYMENT COMPENSATION CLAIMS RECORDS	Unemployment claims, pertinent correspondence, and similar records documenting unemployment compensation cases.	After closed + 5 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-30	VERIFICATIONS OF EMPLOYMENT ELIGIBILITY (Form I-9)		3 years from hire or 1 year after separation, whichever later.	By regulation - 8 CFR 274a.2(b)(2)(i)(A) and (c)(2) Retention Note: If a former employee is rehired and a Form I-9 is still on file for the employee, the 3-year retention period dates from date of first hire.
GR1050-31	WORK SCHEDULES	Work, duty, shift, crew, case schedules, rosters, or assignments except work schedules includable in item number GR1050-56.	1 year.	
*GR1050-32	WORKERS COMPENSATION CLAIM RECORDS	Records of accidents to or job-related illnesses of employees.		Retention Note: Refer to GR1050-22b(1) for any medical or exposure records created or collected.
*GR1050-32a	WORKERS COMPENSATION CLAIM RECORDS	Initial and supplemental incident forms, reports, or logs.	CE + 5 years.	By regulation - 29 CFR 1904.33. Retention Note: If a claim is filed as a result of the accident or illness any forms or reports related to the incident must be retained under GR1050-32b.
*GR1050-32b	WORKERS COMPENSATION CLAIM RECORDS	Records of workers compensation claims filed by employees, including any reports or investigations used to determine eligibility.		
		(1) If the local government is self-insured.	CE of closure of claim + 50 years.	
		(2) If the local government is not self-insured.	CE + 5 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1050-33	FINANCIAL DISCLOSURE STATEMENTS	Financial disclosure statements of officers and/or employees of a local government required by Local Government Code Section 145.007(c) or 159.007(c).	Date of separation + 2 years.	By law – Local Government Code, Section 145.007(c); 159.007(c). Retention Notes: a) For campaign contribution and expenditure statements see item number EL3125-01 in Local Schedule EL (Records of Elections and Voter Registration). b) See item number EL3125-04 for financial disclosure statements of local government candidates.
*GR1050-34	PUBLIC ACCESS OPTION FORMS	Form completed and signed by employee or official, or former employee or official, electing to keep home address, home telephone number, social security number, and family information open or confidential under the Public Information Act, Government Code 552.024.	US.	Retention Note: The last public access option form completed by an employee prior to termination of employment must be retained as part of the Employee Service Record (see record number GR1050-12 in this schedule).
GR1050-35	EMPLOYEE EXIT INTERVIEWS	Records of interviews and other supporting documentation conducted at time of employee termination.	Date of separation + 2 years.	
GR1050-36	CRIMINAL HISTORY CHECKS	Used for condition of or in conjunction with employment application.	End of employee's probationary period or after immediate purpose has been fulfilled, as applicable.	By law - Government Code, Chapter 411 Subchapter F for certain education institutions and fire departments, and by authority of this schedule for all other local governments. Retention Note: A local government that is authorized to obtain criminal history recorded information from the Texas Department of Public Safety must refer to Subchapter F, Chapter 411, Government Code for appropriate retention and use of this information.
*GR1050-37	EMPLOYEE ACKNOWLEDGEMENT FORMS	Employee acknowledgement forms or other documentation that show proof of receipt and awareness of local government policies and procedures.	US or date of separation +2 years, as applicable.	Retention Note: See item number GR1050-08b for acknowledgement forms of pension and deferred compensation policies and procedures.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-38	UNSOLICITED RÉSUMÉS	Unsolicited résumés received by local governments not used in the employment selection process.	AV.	Retention Note: See item number GR1050-14 for résumés, whether solicited or unsolicited, that are used in any way in the employment selection process.
GR1050-39	VOLUNTEER SERVICE FILES	Information about individual volunteers and duties they perform.	US or date of separation + 3 years.	
*GR1050-40	APPLICATIONS FOR PERMANENT EMPLOYMENT CERTIFICATION (ETA Form 9089)	Includes applications and supporting documentation, including employment applications, summaries of recruitment efforts, job postings, newspaper advertisements, job orders with the Texas Workforce Commission, and correspondence with the U.S. Department of Labor and attorneys.	Date of filing of application + 5 years.	
*GR1050-41	OUTSIDE/SECONDARY EMPLOYMENT AUTHORIZATIONS	Personnel forms requesting permission to perform at a job outside of the local government.	Date of separation or until superseded + 2 years, as applicable.	
*GR1050-42	LICENSE AND DRIVING RECORD CHECKS		US or date of separation.	Retention Note: See item number SD3500-03c for driving record checks of school bus drivers.
*GR1050-43	LABOR STATISTICS REPORTS	Reports providing statistical information on labor force.	3 years.	
*GR1050-44	AMERICANS WITH DISABILITIES ACT (ADA) DOCUMENTATION	Self evaluations and plans documenting compliance with the requirements of the Americans with Disabilities Act.	3 years.	By regulation - 28 CFR 35.105(c).

SECTION 3-2: PAYROLL RECORDS

Retention Note: OTHER ACCOUNTING RECORDS - This section supplements Section 2-2 and schedules financial and accounting records found in most local governments specific to the disbursement of payroll. If a payroll-related record is not scheduled in this section, use Section 2-2 for the comparable record; e.g., payroll fund reconciliations should be retained for FE + 5 years under the retention for Banking Records (see item number GR1025-28).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-50	DEDUCTION AUTHORIZATIONS	Documentation used to start, modify, or stop all voluntary or required deductions from payroll, including orders of garnishment or other court-ordered attachments.	4 years after separation or 4 years after amendment, expiration, or termination of authorization, whichever sooner.	
GR1050-51	DIRECT DEPOSIT APPLICATIONS/ AUTHORIZATIONS		US or date of separation, as applicable.	
GR1050-52	EARNINGS AND DEDUCTION RECORDS			
GR1050-52a	EARNINGS AND DEDUCTION RECORDS	A record containing the following payroll information on each employee: name, last known address and social security number, amount of wages paid to the employee for each payroll period, including all deductions, and date of payment.	Retention of any one of the following records for 5 years by school districts or 4 years by other local governments will satisfy the retention requirement: 1) Individual employee earnings card or record that shows earnings and deductions for each pay period. 2) Master payroll register which shows earnings and deductions for each pay period.	By regulation - 20 CFR 404.1225(b) (3) and 40 TAC 815.106(i).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-52b	EARNINGS AND DEDUCTION RECORDS	A record containing the following minimum pension and deferred compensation information on each employee: name, date of birth, social security number, and amount of pension and deferred compensation deductions.	<p>The retention of any one of the following for date of separation + 75 years will satisfy the retention requirement:</p> <p>1) Individual employee earnings card or record as in (a)(1).</p> <p>2) Employee Service Record (see item number GR1050-12) if it contains the prescribed pension and deferred compensation deduction data.</p> <p>3) Master payroll register, or the final year-to-date register of each calendar year, if the register shows all persons employed during the year from whose wages, pension, and deferred compensation deductions were made.</p>	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-52b (continued)	EARNINGS AND DEDUCTION RECORDS		<p>4) Pension and deferred compensation deduction register, or the final year-to-date pension deduction register of each calendar year, if the register lists all persons employed during the year from whose wages pension and deferred compensation deductions were made.</p> <p>5) Copies of annual or other periodic statements furnished to each employee detailing the deductions and contributions to a pension or deferred compensation plan during the past year or period.</p>	
GR1050-52c	EARNINGS AND DEDUCTION RECORDS	Master payroll register, including year-to-date registers, if not used to satisfy either of the retention requirements set in (a) or (b).	FE + 5 years for school districts; FE + 3 years for other governments.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-52d	EARNINGS AND DEDUCTION RECORDS	Subsidiary payroll registers, if not used to satisfy either of the retention requirements set in (a) or (b). (1) If data contained in the subsidiary payroll register is not contained in the master payroll register. (2) If data contained in the subsidiary payroll register is contained in the master payroll register.	FE + 5 years for school districts; FE + 3 years for other governments. AV.	
GR1050-52e	EARNINGS AND DEDUCTION RECORDS	Copies of annual or other periodic statements furnished to each employee detailing the deductions and contributions to a pension or deferred compensation plan during the past year or period, if not used to satisfy the retention requirement set in (b).	2 years.	
GR1050-52f	EARNINGS AND DEDUCTION RECORDS	Payroll adjustment records, including transaction registers, authorizations, and similar records authorizing and detailing adjustments to payroll records because of overpayment, underpayment, etc.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1050-53	FEDERAL AND STATE TAX FORMS AND REPORTS			
GR1050-53a	FEDERAL AND STATE TAX FORMS AND REPORTS	Forms used to determine withholding from wages and salaries for payroll tax purposes (W-4 Forms).	4 years after separation or 4 years after form amended, whichever sooner.	By regulation - 20 CFR 404.1225(b) (3), 26 CFR 31.6001-1(e) (2) for federal forms and by authority of this schedule for any state forms.
GR1050-53b	FEDERAL AND STATE TAX FORMS AND REPORTS	Forms and reports used to report the collection, distribution, deposit, and transmittal of payroll or unemployment taxes (W-2, 1099).	4 years after tax due date or date tax paid, whichever later.	By regulation - 20 CFR 404.1225(b) (3), 26 CFR 31.6001-1(e) (2) for federal forms and by authority of this schedule for state forms.
GR1050-54	LEAVE RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-54a	LEAVE RECORDS	A record containing a record of the unused accumulated sick leave of each employee if (1) all or a percentage of accumulated sick leave is used to calculate length of service and/or (2) accumulated sick leave is creditable to an employee if rehired.	<p>The retention of any one of the following for date of separation + 75 years will satisfy the retention requirement:</p> <p>1) Individual employee earnings card or record as described in item number GR1050-52a if it also contains accumulated sick leave data.</p> <p>2) Employee Service Record (see item number GR1050-12) if it contains the accumulated sick leave data prescribed.</p> <p>3) Copy of the final time summary or leave status report, as noted in (d), of each separated employee.</p>	
GR1050-54b	LEAVE RECORDS	Requests and authorizations for vacation, compensatory, sick, Family and Medical Leave Act (FMLA), and other types of authorized leave, and supporting documentation.	FE + 5 years for school districts; FE + 3 years for other governments.	By regulation – 29 CFR 825.500.
GR1050-54c	LEAVE RECORDS	Leave or hours-to-date registers.	FE + 5 years for school districts; FE + 3 years for other governments.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-54d	LEAVE RECORDS	Copies of periodic time summary or leave status reports furnished to each employee containing information on vacation, sick, compensatory, or other leave earned and used, including the final report of separated employees if they are not used to satisfy the retention requirement set in (a).	2 years.	
GR1050-55	PAYROLL ACTION OR INFORMATION NOTICES	Documents used by payroll officers to create or change information in the payroll records of individual employees except deduction authorizations (see item number GR1050-50) and federal tax forms [see item number GR1050-53(a)].		
*GR1050-55a	PAYROLL ACTION OR INFORMATION NOTICES	Documents concerning hiring, termination, transfer, pay grade, position or job title, name changes, etc.	2 years from the date of creation or personnel action involved, whichever is later.	By regulation - 29 CFR 1602.31, 1602.40, and 1602.49. Retention Note: Refer to GR1050-12 in this schedule as some information must be kept in Employee Service Record.
GR1050-55b	PAYROLL ACTION OR INFORMATION NOTICES	Documents concerning adjustments to payroll and leave status.	FE + 3 years.	Retention Note: Refer to GR1050-12 in this schedule as some information must be kept in Employee Service Record.
GR1050-56	TIME AND ATTENDANCE REPORTS	Time cards or sheets, including work schedules and documentation evidencing adherence to or deviation from normal hours for those employees working on fixed schedules.	4 years.	By regulation - 40 TAC 815.106(i).
GR1050-57	TIME CHANGE RECORDS	Requests and authorizations for overtime, time trading, and other actions that affect normal work time except leave requests [see item number GR1050-54(c)].	2 years.	
GR1050-58	REIMBURSABLE ACTIVITIES, REQUESTS AND AUTHORIZATIONS TO ENGAGE IN	Requests and authorizations for travel; participation in educational programs, workshops, or college classes; or for other <i>bona fide</i> work-related activities in which the expenses of an employee are defrayed or reimbursed.	FE + 5 years for school districts; FE + 3 years for other governments.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1050-59	WAGE AND SALARY RATE TABLES			
GR1050-59a	WAGE AND SALARY RATE TABLES	If wage or salary rate for each position listed on an Employee Service Record (see item number GR1050-12) is expressed in dollars.	2 years after last effective date.	By regulation - 29 CFR 516.6(a)(2).
GR1050-59b	WAGE AND SALARY RATE TABLES	If wage or salary rate for each position listed on an Employee Service Record (see item number GR1050-12) is indicated by grade or step number only.	Date of separation + 75 years.	

PART 4: SUPPORT SERVICES RECORDS

SECTION 4-1: PURCHASING RECORDS

Retention Notes: RELATIONSHIP WITH ACCOUNTS PAYABLE RECORDS - In a local government in which purchasing and accounts payable records (see item number GR1025-26) are maintained by the same individual or department, duplicate copies of a record need not be created and/or retained to satisfy the retention requirements of this section if the record is used in documenting both the ordering and procurement of and payment for goods and services. In such instances, retention requirements for accounts payable records prevail over those noted in this section.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-01	BIDS AND BID DOCUMENTATION			
GR1075-01a	BIDS AND BID DOCUMENTATION	Successful bids and requests for proposals, including invitations to bid, bid bonds and affidavits, bid sheets, and similar supporting documentation.	FE of award + 5 years for school districts; FE + 3 years for other governments.	Retention Note: If a formal written contract is the result of a successful bid or request for proposal, the successful bid or request for proposal and its supporting documentation must be retained for the same period as the contract. See item number GR1000-25.
GR1075-01b	BIDS AND BID DOCUMENTATION	Unsuccessful bids.	2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-01c	BIDS AND BID DOCUMENTATION	Requests for informal bid estimates, quotes, or responses from providers for the procurement of goods or services for which state law or local policy does not require the formal letting of bids.	1 year.	
GR1075-01d	BIDS AND BID DOCUMENTATION	Requests for information (RFI) preliminary to the procurement of goods or services by direct purchase or bid.	AV after date of direct purchase, issuance of request for bids, or decision not to proceed with the procurement, as applicable.	
*GR1075-02	PARTS AND SUPPLIES INVENTORY RECORDS	Inventories of parts and supplies.	1 year.	
GR1075-03	PURCHASE ORDER AND RECEIPT RECORDS			
GR1075-03a	PURCHASE ORDER AND RECEIPT RECORDS	Purchase orders, requisitions, and receiving reports.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1075-03b	PURCHASE ORDER AND RECEIPT RECORDS	Purchasing log, register, or similar record providing a chronological record of purchase orders issued, orders received, and similar data on procurement status.	FE + 3 years.	
GR1075-03c	PURCHASE ORDER AND RECEIPT RECORDS	Packing slips and order acknowledgments.	AV.	
GR1075-03d	PURCHASE ORDER AND RECEIPT RECORDS	Vendor and commodity lists.	US.	

SECTION 4-2: FACILITY, VEHICLE, AND EQUIPMENT MANAGEMENT RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-15	ACCIDENT AND DAMAGE REPORTS (PROPERTY)	Reports of accidents or damage to facilities, vehicles, or equipment if no personal injury is involved.	3 years.	Retention Note: For accident reports involving personal injury see item numbers GR1000-20 and GR1050-32.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-16	CONSTRUCTION PROJECT RECORDS			
*GR1075-16a	CONSTRUCTION PROJECT RECORDS	Records concerning the planning, design, construction, conversion, or modernization of local government-owned facilities, structures, and systems, including feasibility, screening, and implementation studies; topographical and soil surveys and reports; architectural and engineering drawings, elevations, profiles, blueprints, and as-builts; inspection and investigative reports; laboratory test reports; environmental impact statements; construction contracts and bonds; correspondence; and similar documentation except as described in (b), (c) or (d).	PERMANENT.	Retention Note: If a structure, facility, or system is sold or transferred to another person or entity, the local government must retain the original records relating to its construction. Copies of the records may be given to the person or entity to which the structure, facility, or system is sold or transferred.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1075-16b	CONSTRUCTION PROJECT RECORDS	Records of the types described in GR1075-16a relating to the construction of prefabricated storage sheds, bus shelters, parking lot kiosks, non-structural recreational facilities such as baseball diamonds and tennis courts, and similar structures and facilities.	Completion of the project + 10 years.	<p>Retention Notes: a) Review before disposal; some records may merit PERMANENT retention for historical reasons. Records relating to construction of some of the described structures will have historical value if they are closely associated with a major structure as described in GR1075-16a. For example, records relating to the construction of gazebos, fountains, walls, or statuary located on the grounds of a county courthouse are part of the landscape of the courthouse and its grounds and should be retained PERMANENTLY.</p> <p>Records of the types described relating to government-owned structures or places eligible for or already listed as historic by national, state, or local organizations or authorities must be retained PERMANENTLY.</p> <p>b) If the construction of a structure described in GR1075-16b includes infrastructure (i.e. electrical lines, underground water lines, etc.), records of the infrastructure must be maintained PERMANENTLY.</p>
*GR1075-16c	CONSTRUCTION PROJECT RECORDS	Records relating to construction projects described in GR1075-16a and GR1075-16b, that are transitory or of ephemeral relevance, and are not required for maintaining, modifying, and repurposing the building or structure. Records may include, but are not limited to, rejected design plans, delivery tickets for expendable products, daily work reports, etc.	5 years.	<p>Retention Note: Records of the types described relating to government-owned structures or places eligible for or already listed as historic by national, state, or local organizations or authorities must be retained PERMANENTLY.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1075-16d	CONSTRUCTION PROJECT RECORDS	Line Locate Requests, Call Before You Dig records, or other similar records documenting requests for information regarding locations of the underground cable or utility lines.	Completion of project requiring the locate request + 2 years.	Retention note: If damage to utility lines becomes subject to litigation, the locate records must be retained in accordance with GR1000-31 (Litigation Case Files).
GR1075-17	LOST AND STOLEN PROPERTY REPORTS		FE + 3 years.	
GR1075-18	MAINTENANCE, REPAIR, AND INSPECTION RECORDS	Records documenting the maintenance, repair, and inspection of facilities, vehicles, and equipment.		Retention Note: This record group schedules records of maintenance and repair to general-purpose vehicles, office equipment, and office facilities. For retention requirements for the maintenance and repair of specialized vehicles (e.g., police cars, fire trucks, school buses), equipment (e.g., airport runway beacons, traffic lights), or facilities (e.g., wastewater treatment plants) see other commission schedules.
GR1075-18a	MAINTENANCE, REPAIR, AND INSPECTION RECORDS	Vehicles and equipment. (1) Routine inspection records. (2) Maintenance and repair records.	1 year. Life of asset.	Retention Note: If a vehicle is salvaged as the result of an accident, the maintenance and repair records for the vehicle must be retained for date of salvage + 1 year.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-18b	MAINTENANCE, REPAIR, AND INSPECTION RECORDS	Facilities. (1) Routine cleaning, janitorial, and inspection work. (2) All other facility maintenance, repair and inspection records (including those relating to plumbing, electrical, fire suppression, and other infrastructural systems).	1 year. 5 years.	Retention Note: Records of the types described relating to government-owned structures or places eligible for or already listed as historic by national, state, or local organizations or authorities must be retained PERMANENTLY .
*GR1075-19	SERVICE REQUESTS/WORK ORDERS	Requests or work order for repairs or maintenance to facilities, vehicles, or equipment.	2 years.	Retention Note: If work orders serve as the only form of record documenting repairs to vehicles or equipment [see item number GR1075-18(a)] they must be retained for the life of the vehicle or equipment.
GR1075-20	USAGE REPORTS	Reports of usage of facilities, vehicles, and equipment.		
*GR1075-20a	USAGE REPORTS	Any type of usage report (e.g., mileage, fuel consumption, copies run) if such reports are the basis for allocating costs, for determining payment under rental or lease agreements, etc.	FE + 5 years for school districts; FE + 3 years for other governments.	
*GR1075-20b	USAGE REPORTS	Reservation logs or similar records relating to the use of facilities such as meeting rooms, auditoriums, etc. by the public or other governmental agencies.	2 years.	
*GR1075-20c	USAGE REPORTS	Usage reports compiled for purposes other than those noted in (a) or (b).	1 year.	
GR1075-21	VEHICLE OR EQUIPMENT ASSIGNMENT RECORDS	Assignment logs, authorizations, and similar records relating to the assignment and use of government-owned vehicles or equipment by employees.	After return or reassignment + 2 years.	
GR1075-22	VISITOR CONTROL REGISTERS	Logs, registers, or similar records documenting visitors to limited access or restricted areas.	3 years.	Retention Note: If the visitor control register is needed as part of an investigation it should be retained with the investigation case file PS4125-05.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1075-23	VEHICLE AND EQUIPMENT WARRANTIES	Warranties for vehicles and equipment.	Expiration of warranty + 1 year.	
GR1075-24	VEHICLE TITLES AND REGISTRATIONS	Vehicle titles and registrations of government- owned vehicles.	LA.	
GR1075-25	SURVEILLANCE VIDEOS	Video surveillance for, but not limited to, security of property and persons.	AV.	Retention Note: If the surveillance video is needed as part of an investigation it should be retained with the investigation case file PS4125-05.
*GR1075-26	EQUIPMENT MANUALS	Equipment manuals, owner's manuals, instructional manuals, or other similar documentation for government owned equipment, except for equipment manuals noted elsewhere in this schedule or other schedules adopted by the commission.	LA.	

SECTION 4-3: COMMUNICATIONS RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
GR1075-40	POSTAL AND DELIVERY SERVICE RECORDS			
GR1075-40a	POSTAL AND DELIVERY SERVICE RECORDS	Meter and permit usage records.	1 year.	
GR1075-40b	POSTAL AND DELIVERY SERVICE RECORDS	Registered, certified, insured, and special delivery mail receipts and similar records of transmittal by express or delivery companies.	1 year.	
GR1075-41	TELEPHONE LOGS OR ACTIVITY REPORTS	Registers or logs of telephone calls and fax transmissions made and similar activity reports.		
GR1075-41a	TELEPHONE LOGS OR ACTIVITY REPORTS	If the log, report, or similar record is used for cost allocation purposes.	FE + 5 years for school districts; FE + 3 years for other governments.	
GR1075-41b	TELEPHONE LOGS OR ACTIVITY REPORTS	If the log, report, or similar record is used for internal control purposes other than cost allocation.	1 year.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR1075-42	E-RATE RECORDS	E-Rate is the Schools and Libraries Program of the Universal Service Fund that provides discounts to schools and libraries for telecommunications and Internet access. E-Rate is administered by the Universal Service Administrative Company (USAC) under the direction of the Federal Communication Commission (FCC). All records related to the application for, receipt, and delivery of discounted telecommunications and other supported services.	FE + 10 years.	By regulation - 47 CFR 54.516.
*GR1075-43	DIRECTORY INFORMATION	Mailing addresses, telephone or fax numbers, or email addresses, or other contact information maintained by a local government on its employees or persons it serves.	US, expired, or discontinued.	

SECTION 4-4: WORKPLACE SAFETY RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5750-01	BLOODBORNE PATHOGEN TRAINING RECORDS	Records of training given to employees with exposure to bloodborne pathogens showing the dates of training sessions, contents or summaries of the sessions, names and job titles of those who received training, and names and qualifications of instructors.	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5750-02	FACILITY CHEMICAL LISTS	Copies of tier two forms containing information of hazardous chemicals present in local government facilities submitted to the fire chief of the fire department having jurisdiction over the facilities and to the Texas Department of State Health Services as required by Health and Safety Code, Section 506.006.	30 years.	
GR5750-03	HAZARD COMMUNICATION PLANS	Plans describing how criteria of the Hazard Communications Act (Chapter 502, Health and Safety Code) with regard to the education and training of employees will be met.	US + 5 years.	By law - Health and Safety Code, Section 502.009(g).
GR5750-04	HAZARDOUS MATERIALS TRAINING RECORDS	Records of training given to employees in a hazard communications program showing the date of each training session, subjects covered during the session, rosters of employees who attended, and the names of instructors.	5 years.	By law - Health and Safety Code, Section 502.009(g).
GR5750-05	MATERIAL SAFETY DATA SHEETS (MSDS)	Material safety data sheets (MSDS) supplied to local government employers by manufacturers or distributors of hazardous chemicals.	AV after receipt of updated sheet or the hazardous chemical is no longer present in the local government, as applicable.	
GR5750-06	WORKPLACE CHEMICAL LISTS	Lists of hazardous chemicals, including superseded lists, compiled and maintained by local governments in accordance with the Health and Safety Code, Section 502.005.	30 years.	By law - Health and Safety Code, Section 502.005(d). Retention Note: State law (Health and Safety Code, Section 502.005(d)) provides that if a local government is dissolved (e.g., a municipality through disincorporation), it shall send the workplace chemical lists in its possession to the director of the Texas Department of State Health Services.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5750-07	DISASTER PREPAREDNESS AND RECOVERY PLANS	Disaster preparedness, continuity of operations, business continuity, or other plans used to prepare for or respond to emergencies or disasters.	US.	

PART 5: INFORMATION TECHNOLOGY RECORDS

Retention Notes: (a) This part establishes retention periods for records essential to the creation, maintenance, and use of electronic records (information recorded in a form for computer processing including data, graphics, digital images, multi-media records, etc.) and records related to computer operations/technical support not covered elsewhere in this schedule. Records in this part may be maintained on whatever medium is appropriate including electronic (on-line, magnetic tape, optical disk, CD-ROM, etc.), paper, and microform.

(b) Other types of records may be maintained electronically that are listed elsewhere in this schedule, such as administrative, fiscal, personnel, and support services records, or in other specialized schedules adopted by the Texas State Library and Archives Commission, such as Local Schedule PS (Records of Public Safety Agencies), Local Schedule HR (Records of Public Health Agencies), etc. The retention period for those electronic records will be as specified under the appropriate records series item number according to the function of the information. For example, if an electronic system were used to maintain encumbrance and expenditure reports, the retention period for these electronic records would be 2 years as specified in item number 1025-04(d). Retention requirements apply to records maintained on all types of electronic systems including mainframe, minicomputer, microcomputer, local-area-network based systems, etc.

(c) Administrative rules of the Texas State Library and Archives Commission (13 TAC 7.71-7.79) require that retention procedures for electronic records with an approved retention of 10 years or more must include provisions for scheduling the disposition of the electronic records as well as related software, documentation, and indexes; and for regular recopying, reformatting, and other necessary maintenance or conversion activities to ensure the retention and stability of electronic records until the expiration of their retention periods.

(d) If automated information is copied to paper or microform to create the official record, the electronic files do not have to be maintained for the full retention period of the record. The added value of electronic files for facilitating retrieval, making queries, providing for automated audit trails, etc., should be carefully reviewed prior to destruction of the electronic files even though there is an official record in another medium.

SECTION 5-1: RECORDS OF AUTOMATED APPLICATIONS

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5800-01	AUDIT TRAIL RECORDS	Files needed for electronic data audits such as files or reports showing transactions accepted, rejected, suspended, and/or processed; history files/tapes; records of on-line updates to application files or security logs.	Until audit requirements met.	
GR5800-02	FINDING AIDS, INDEXES, AND TRACKING SYSTEMS	Automated indexes, lists, registers, and other finding aids used to provide access to the hard copy and electronic records.	Until the related hard copy or electronic records have been destroyed.	
GR5800-03	HARDWARE DOCUMENTATION	Records documenting operational and maintenance requirements of computer hardware such as operating manuals, hardware/operating system requirements, hardware configurations, and equipment control systems.	Until electronic records are transferred to and made usable in a new hardware environment, or there are no electronic records being retained to meet an approved retention period that require the hardware to be retrieved and read.	Retention Note: If the retention period of electronic records is extended to meet requirements of an audit, litigation, Public Information Act request, etc., any hardware documentation required to retrieve and read the records must also be retained for the same period.
*GR5800-04	INFORMATION SYSTEM/DATABASE RECORDS	Relatively long-lived computer files, including databases, containing organized and consistent sets of complete and accurate electronic records.	Until electronic records are transferred to and made usable in a new system environment, or the files have met a retention period established in this or other commission schedule, whichever sooner.	Retention Notes: a) The need to retain "snapshots" of some continuing information systems or databases should be carefully evaluated. For example, if a Geographic Information System has only current mapping information, historical versions of zoning changes would need to be maintained for long-term legal and historical value. b) Records managers should ensure that snapshots which support records on this or other commission schedules are retained for the full retention period of the records they support.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5800-05	PROCESSING RECORDS	Electronic files used to produce or modify an information system or database, including, but not limited to, work files, maintenance and test files, print files, and intermediate input/output records.	Until electronic records are transferred to and made usable in a new system environment, or the files have met a retention period established in this or other commission schedule, whichever sooner.	Retention Note: Routine or benchmark files used to test system performance and files which facilitate processing of a particular job or system run, but which do not add to, delete from, or substantially modify information in an information system or database need be retained only as long as administratively valuable.
*GR5800-06	SOFTWARE PROGRAMS	Automated software applications and operating system files including job control language, , etc.	Until electronic records are transferred to and made usable in a new software environment, or there are no electronic records being retained to meet an approved retention period that require the software to be retrieved and read.	Retention Note: If the retention period of electronic records is extended to meet requirements of an audit, litigation, Public Information Act request, etc. any software program required to retrieve and read the records must also be retained for the same period.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5800-08	TECHNICAL DOCUMENTATION	Records adequate to specify all technical characteristics necessary for reading or processing of electronic records and their timely, authorized disposition. Includes documentation describing how a system operates and which is necessary for using the system such as user guides, system or sub-system definitions, system specifications, input and output specifications, and system flow charts; program descriptions and documentation such as program flowcharts, program maintenance logs, change notices, and other records that document modifications to computer programs; and data documentation necessary to access, retrieve, manipulate and interpret data in an automated system such as a data element dictionary, file layout, code book or table, and other records that explain the meaning, purpose, structure, logical relationships, and origin of the data elements.	Until electronic records are transferred to and made usable in a new hardware or software environment with new documentation, or there are no electronic records being retained to meet an approved retention period that require the documentation to be retrieved and read.	Retention Note: If the retention period of electronic records is extended to meet requirements of an audit, litigation, open records action, etc. any technical documentation required to retrieve and read the records must also be retained for the same period.
*GR5800-09	AUTOMATED PROGRAM LISTING / SOURCE CODE	Automated program code and builds which generate the machine-language instructions used to operate software programs.	Until superseded or software program no longer used, whichever sooner.	

SECTION 5-2: COMPUTER OPERATIONS AND TECHNICAL SUPPORT RECORDS

Retention Note: Not all of the following types of records will be created with all electronic systems. A local government should determine which records are needed according to the type of computer operation in use (mainframe, individual personal computers, networked personal computers, etc.). The records in this section may be maintained electronically (on-line, magnetic tape, optical disk, etc.) or on another medium such as paper or microform provided the approved retention period is met.

Record Number	Record Title	Record Description	Retention Period	Remarks
*GR5825-01	SYSTEM SECURITY RECORDS	.	.	
*GR5825-01a	SYSTEM SECURITY RECORDS	Records created for security purposes to control or monitor individual access to a system and its data, including but not limited to user account records, security login information, and password files.	US, date of expiration, or date of separation + 2 years, as applicable.	
*GR5825-01b	SYSTEM SECURITY RECORDS	Records used to control and monitor the security of a system and its data, including vulnerability scans, intrusion tests, malicious code detection tests, threat and risk assessments, technical security reviews, patch management logs, intrusion detection logs, firewall logs, and related records. Records documenting incidents and investigations involving unauthorized attempted entry, probes and/or attacks on information systems or networks.	AV.	
GR5825-02	BATCH DATA ENTRY CONTROL RECORDS	Forms and logs used to reconcile batches submitted for processing against batches received and processed.	AV after reconciliation confirmed.	
GR5825-03	CHARGEBACK RECORDS TO DATA PROCESSING SERVICES USERS	Records used to document, calculate costs, and bill program units for computer usage and data processing services. These records are also used for cost recovery, budgeting, or administrative purposes.	FE + 5 for school districts; FE + 3 years for other local governments.	
GR5825-04	COMPUTER JOB SCHEDULES AND REPORTS	Schedules or similar records showing computer jobs to be run and other reports by computer operators or programmers of work performed.	90 days.	
*GR5825-06	DATA PROCESSING PLANNING RECORDS	Reports, studies, analyses, projections, and similar records concerning the creation, development, or modification of data processing systems and services.	5 years.	Retention Note: Review before disposal; some records of this type may merit PERMANENT retention for historical reasons.

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5825-08	ELECTRONIC MEDIA LIBRARY SYSTEM RECORDS	Records used to control the location, maintenance, and disposition of media in an electronic media library except for records destruction documentation that is maintained permanently (see item number GR1000-40).	Until related records or media are destroyed or withdrawn from the library.	
*GR5825-09	DATA ENTRY DOCUMENTS	Records or forms designed and used solely for data input and control except for data entry documents noted elsewhere in this schedule or other schedules adopted by the commission.	Until all data has been entered into the system and, if required, verified.	
GR5825-10	NETWORK CIRCUITS INVENTORIES	Records containing information on network circuits used by the government including circuit number, vendor, type of connection, terminal series, software, contact person, and other relevant information about the circuit.	US.	
GR5825-11	NETWORK IMPLEMENTATION RECORDS	Records used to implement a computer network including reports, diagrams of network, and wiring schematics.	US.	
*GR5825-12	OPERATING SYSTEM AND HARDWARE CONVERSION PLANS	Records relating to the replacement of equipment or computer operating systems not included elsewhere in this schedule.	2 years after completion of conversion.	
GR5825-13	OUTPUT RECORDS FOR COMPUTER PRODUCTION	Reports showing transactions that were accepted, rejected, suspended, and/or processed.	AV.	
*GR5825-14	QUALITY ASSURANCE RECORDS	Information verifying the quality of system, hardware, or software operations including records of errors or failures and the loss of data resulting from such failures, documentation of abnormal termination and of error free processing, checks of changes put into production, transaction histories, and other records needed as an audit trail to evaluate data accuracy.	Until no longer needed as an audit trail.	

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5825-15	PROJECT RECORDS	Records created and used in the development, redesign, or modification of automated systems or applications.		Retention Note: Does not include purchasing records for computer software or hardware such as individual personal computers, which are covered in Part 4 of this schedule.
GR5825-15a	PROJECT RECORDS	Project management records, design documentation, feasibility studies, justifications, user requirements, etc.	3 years after completion of project.	
GR5825-15b	PROJECT RECORDS	Routine status reports, memos, and correspondence.	AV.	
*GR5825-16	SYSTEM ACTIVITY MONITORING RECORDS	Records or logs that monitor and report levels and patterns of individual and organizational usage of system hardware, software application, and internet resources, including but not limited to log in files, system usage files, application usage files, data entry logs, print spool logs, and records of individual computer usage. May also include levels of storage and network/bandwidth traffic and other documentation related to activities for monitoring and ensuring optimal efficiency of system resource use.	AV.	
GR5825-18	INTERNET COOKIES	Data resident on hard drives that make use of user-specific information transmitted by the Web server onto the user's computer so that the information might be available for later access by itself or other servers.	AV.	Retention Note: The disposal of Internet cookies need not be documented through destruction authorizations (GR1000-40(b)), but governments should establish procedures governing disposal of these records as part of its records management plan (GR1000-40(d)).
GR5825-19	HISTORY FILES – WEB SITES	A record of the documents visited during an Internet session that allows users to access previously visited pages more quickly or to generate a record of a user's progress.	AV.	Retention Note: The disposal of Internet history files need not be documented through destruction authorizations (GR1000-40(b)), but governments should establish procedures governing disposal of these records as part of its records management plan (GR1000-40(d)).

Record Number	Record Title	Record Description	Retention Period	Remarks
GR5825-20	SOFTWARE REGISTRATIONS, WARRANTIES, AND LICENSE AGREEMENTS		LA + 3 years.	

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927
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TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE LC (Second Edition)

RETENTION SCHEDULE FOR RECORDS OF JUSTICE AND MUNICIPAL COURTS

This schedule establishes mandatory minimum retention periods for records that are usually found in justice and/or municipal courts. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records listed in this schedule may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period. This includes electronic mail (e-mail), websites and electronic publications.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated prior to the destruction of the record until the completion of the action and the resolution of all issues that arise from it or until the expiration of the retention period of the record, whichever is later.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the Director and Librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

The use of an asterisk (*) in this third edition of Local Schedule LC indicates that the record is either new to this edition, the retention period for the record has been changed for the record, or substantive amendments have been made to the description of or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable

FE - Fiscal year end

US - Until Superseded

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RECORDS OF JUSTICE AND MUNICIPAL COURTS

Retention Note: HISTORIC COURT RECORDS RETENTION REQUIREMENTS - Notwithstanding the retention periods set down in this schedule, the following records must be retained **PERMANENTLY**:

- 1) all case papers dated 1950 or earlier and trial dockets containing entries dated 1950 or earlier;
- 2) case papers and trial dockets from any period if the minutes of the case have been lost or destroyed; and
- 3) case papers in a case from any period that, because of its notoriety or significance, might possess enduring value.

PART 1: CIVIL AND CRIMINAL RECORDS

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2350-01	APPEAL OR TRANSFER RECORD	Record or register of cases appealed from a court and/or records of case transfers as a result of an examining trial.	AV.	
LC2350-02	BAIL BOND RECORDS	Ledgers or books recording the setting or taking by the court of bail or recognizance bonds.	3 years.	
*LC2350-03	CIVIL CASE PAPERS (including documentation maintained by a court arising from the actions of its judge as a magistrate)			
*LC2350-03a	CIVIL CASE PAPERS	Administrative hearing case papers.	1 year after judgment rendered or proceedings terminated.	
*LC2350-03b	CIVIL CASE PAPERS	Civil case papers (including small claims and scire facias) in cases that were adjudicated which result in a monetary award.	12 years after case closed or issuance of last abstract of judgment or execution.	By law – Texas Property Code, Section 52.006 and Civil Practice and Remedies Code, sections 31.006 and 34.001. Retention Note: Civil cases with a judgment in favor of the state or to a state agency must be retained until the judgment is satisfied.

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2350-03c	CIVIL CASE PAPERS	Civil case papers from cases or actions that did not involve a monetary reward (e.g. forcible detainer)	4 years.	
*LC2350-03d	CIVIL CASE PAPERS	Civil case papers of cases dismissed for want of prosecution, on motion of the plaintiff, or for other reasons within the power of the court.	4 years from date the case was originally filed or upon dismissal, whichever later.	
*LC2350-04	CRIMINAL CASE PAPERS (including documentation maintained by a court arising from the actions of its judge as a magistrate)			
*LC2350-04a	CRIMINAL CASE PAPERS	Criminal case papers (including traffic offenses and violations of municipal ordinances).	5 years from date of final disposition of the case.	
*LC2350-04b	CRIMINAL CASE PAPERS	Papers in cases dismissed for want of prosecution or for other reasons within power of the court.	2 years from date of dismissal.	
*LC2350-04c	CRIMINAL CASE PAPERS	Un-served arrest warrants for criminal offenses within jurisdiction of the court.	4 years after issuance.	Retention Note: Prior to the purging and disposal of any un-served arrest warrants under this item number, the warrants must be dismissed by the judge in a manner permitted by law. If a judge dismisses un-served warrants at any time prior to 4 years after issuance, they still must be retained until the expiration of the retention period.
*LC2350-04d	CRIMINAL CASE PAPERS	Examining trial case papers.	AV.	Retention Note: If copies of statutory warnings are maintained only as carbons in bound volumes, the volumes must be retained for 5 years after last entry.
*LC2350-05	PARKING AND PEDESTRIAN VIOLATION TICKETS	Parking or pedestrian violation tickets that have been cleared by payment, dismissal, or other action.	6 months.	Retention Note: It is an exception to the 6-month retention period that if the tickets are used as vouchers for direct posting to receipt journals or ledgers, the tickets must be retained for FE + 3 years.

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2350-06	DOCKETS AND DOCKET SHEETS			Retention Notes: a) The retention periods in this record group also apply to docket sheets or the record equivalent in purpose to a docket in those courts that do not maintain dockets in bound volumes. b) If any docket listed under (a)-(g) contains records of inquests, it must be retained PERMANENTLY .
*LC2350-06a	DOCKETS AND DOCKET SHEETS	Civil docket (including small claims and scire facias).	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06b	DOCKETS AND DOCKET SHEETS	Criminal docket (including traffic offenses and violations of municipal ordinances).	5 years.	
*LC2350-06c	DOCKETS AND DOCKET SHEETS	Civil and criminal docket (recording cases of both types in one volume).	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06d	DOCKETS AND DOCKET SHEETS	Administrative hearing docket.	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06e	DOCKETS AND DOCKET SHEETS	Execution docket.	PERMANENT.	By rule of court - Rules of Civil Procedure, Rule 26.
*LC2350-06f	DOCKETS AND DOCKET SHEETS	Examining trial dockets.	5 years.	
*LC2350-06g	DOCKETS AND DOCKET SHEETS	Call dockets or docket sheets or any other working copy or preliminary version of a docket or docket sheet for the use of clerks, bailiffs, or judges before entry of the information into any of the dockets noted under (a)-(f).	AV after entry of information into court docket.	
*LC2350-07	FEE BOOKS	Books or ledgers detailing fees or costs accrued in cases heard by the court and status of payment or waiver of costs or fees, if maintained separately from dockets.	FE + 5 years.	
*LC2350-08	JURY RECORDS			
LC2350-08a	JURY RECORDS	Jury venire lists.	1 year.	
*LC2350-08b	JURY RECORDS	Juror information and reply forms.	1 year.	
*LC2350-08c	JURY RECORDS	Returned, undeliverable jury summonses.	1 year.	
*LC2350-09	PROCESS LOGS/ PROCESS REGISTERS	Stub books, carbon books, logs, or registers listing warrants, subpoenas, summonses, or citations issued by or under the authority of the court.	5 years.	
*LC2350-10	REPORTS TO STATE AGENCIES			

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2350-10a	REPORTS TO STATE AGENCIES	Statistical reports to the Texas Judicial Council.	3 years.	
*LC2350-10b	REPORTS TO STATE AGENCIES	Reports of motor carrier weight convictions (State Comptroller Form 40-132 or equivalent).	AV.	
*LC2350-10c	REPORTS TO STATE AGENCIES	Traffic conviction abstracts and reports of death arising from traffic accidents submitted to the Texas Department of Public Safety.	AV.	
*LC2350-11	WITNESS RECORD	Register of witnesses subpoenaed, attached, or recognized in criminal cases, if maintained separately from the criminal dockets.	5 years.	

PART 2: INQUEST RECORDS

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2375-01	FIRE INQUEST RECORDS			
*LC2375-01a	FIRE INQUEST RECORDS	Case papers.	AV.	Retention Note: Case papers must be retained PERMANENTLY if not documented in a docket or record book.
LC2375-01b	FIRE INQUEST RECORDS	Docket or record.	PERMANENT.	
LC2375-02	INQUEST RECORDS			

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2375-02a	INQUEST RECORDS	Case papers. (1) Arising from inquests or inquest hearings initiated August 31, 1987 or earlier. (2) Arising from inquests or inquest hearings initiated September 1, 1987 and after.	Destroy at option if the records exist in the District Clerk's Office. PERMANENT.	By law - Code of Criminal Procedure, art. 49.15(b). Retention Note: Prior to September 1, 1987 case papers arising from an inquest were forwarded by the justice to the district clerk. Since that date case papers are retained and become a part of the inquest docket or record and only an inquest summary report is forwarded. The only case papers retained by a justice of the peace or other magistrate before September 1, 1987 are likely to be copies of materials forwarded. Creation and retention of copies was not required by law.
LC2375-02b	INQUEST RECORDS	Docket or record.	PERMANENT.	By law - Code of Criminal Procedure, art. 49.15(b).
*LC2375-02c	INQUEST RECORDS	Reports of injuries to the Texas Department of State Health Services.	AV.	
*LC2375-03	UNIDENTIFIED BODY INFORMATION	All information pertaining to any unidentified body and the location of burial. (1) If an autopsy is performed and an inquest record exists. (2) If an autopsy is not performed and no inquest record exists.	10 years. PERMANENT.	By law - Code of Criminal Procedure, Chapter 49.

PART 3: VITAL STATISTICS RECORDS

Retention Notes: a) Since 1927, each justice of the peace precinct serves as a primary registration district for the registry of births and deaths, unless, by agreement, the county clerk assumes primary registration duties. The records in this section arise from the duties of justice of the peace as a local registrar.

b) This section applies to and is binding upon city clerks or secretaries who serve as local registrars of vital statistics.

*c) The permanent retention period established in this schedule and by law for item numbers LC2400-01, LC2400-02, and LC2400-04 is not required for those local registrars who choose to follow the option permitted by Section 191.026(e), provided they do so in accordance with procedures developed by the Vital Statistics Unit of the Texas Department of State Health Services to implement the section.

Health and Safety Code, Section 191.026(e):

(e) The local registrar may, after the first anniversary of the date of registration of a birth, death, or fetal death, destroy the permanent record of the birth, death, or fetal death maintained by the local registrar if:

- (1) the local registrar has access to electronic records of births, death and fetal deaths maintained by the vital statistics unit; and
- (2) before destroying the records, the local registrar certifies to the state registrar that each record maintained by the local office that is to be destroyed has been verified against the records contained in the bureau's database and that each record is included in the database or otherwise accounted for.

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2400-01	BIRTH AND DEATH RECORD (combination of the Birth Record and Death Record)		PERMANENT.	By law - Health and Safety Code, Section 191.026.
LC2400-02	BIRTH RECORD (REGISTER OF BIRTHS)	Recorded or bound duplicate copies of birth certificates, delayed birth certificates, or amended birth certificates.	PERMANENT.	By law - Health and Safety Code, Section 191.026.
*LC2400-03	BURIAL TRANSIT PERMIT RECORDS	Stubs, copies, or lists of burial transit permits issued.	3 years.	
LC2400-04	DEATH RECORD (REGISTER OF DEATHS)	Recorded or bound duplicate copies of death certificates, fetal death certificates, or amended death certificates.	PERMANENT.	By law - Health and Safety Code, Section 191.026.
LC2400-05	DISINTERMENT RECORD			
LC2400-05a	DISINTERMENT RECORD	Copies of disinterment permits.	PERMANENT.	
*LC2400-05b	DISINTERMENT RECORD	Applications for permits.	Destroy at option.	Obsolete record.
LC2400-06	NOTIFICATIONS OF DEATH OF PERSONS UNDER 55	Abstracts, transcripts, or copies of death certificates from the Bureau of Vital Statistics of persons under age 55 (or under 18 prior to May 1987), whose birth certificates are recorded in an office of a local registrar.	Until notation made in Birth Record.	
LC2400-07	REPORTS OF DEATH	Reports of death filed by funeral directors or persons acting as such.	Until receipt of death certificate.	

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2400-08	RECORD OF ISSUANCE OF CERTIFIED COPIES OR ABSTRACTS OF BIRTH AND DEATH RECORDS	Record of the issuance of certified copies or abstracts of birth and death records showing date issued, document number, name and address of person to whom issued, and form of identification presented by applicant.	3 years from the date issued.	By regulation - 25 TAC 181.28(e). Retention Note: The administrative rule of the Texas Department of State Health Services setting the 3 year minimum retention period states that the application form, with the document number inserted, may serve to document the issuance of the copies or abstracts. For those clerks who document the issuance of the copies or abstracts by other means, the applications need be retained only AV after the required information from the application is entered in the alternative record of issuance.

PART 4: MISCELLANEOUS RECORDS

Retention Note: For financial, personnel, or administrative records of a justice or municipal court not listed in this section see Local Schedule GR.

Record Number	Record Title	Record Description	Total Retention	Remarks
LC2425-01	ACKNOWLEDGMENT RECORD	Record of acknowledgments or proofs of instruments taken by justices of the peace.	10 years.	
LC2425-02	COST DEPOSIT RECORDS	Journals, ledgers, or similar records detailing receipts to and disbursements from monies deposited to cover costs in civil proceedings.	FE + 5 years.	

PART 5: JUVENILE RECORDS

Retention Note: Juvenile court records are subject to sealing under Family Code, Section 58.003. While sealing restricts access to the records, it does not affect the minimum retention periods in this part or the destruction of the records following the expiration of the retention periods.

Records maintained by law enforcement agencies or other agencies relating to the investigation of offenses committed by juveniles or records concerning taking juveniles into custody and their prosecution are subject to sealing under Family Code, Section 58.003. On the entry of a sealing order by a court, law enforcement records or records held by other agencies relating to the case must be transferred to the court issuing the order and all index references to the

records ordered sealed must be deleted. The retention periods in this part apply to unsealed records of juveniles in the possession of law enforcement agencies or other agencies.

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2450-01	VIDEO RECORDINGS [JUVENILE DETENTION HEARINGS]	Video recordings of detention hearings involving juveniles.	The earlier of (1) the 91st day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a misdemeanor; (2) the 120th day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a felony; or (3) the date on which the adjudication hearing ends.	By law – Family Code, Section 54.012(c).
*LC2450-02	JUVENILE DELINQUENCY RECORDS [INFORMAL DISPOSITION CASES], REPORT ON	Annual statistical reports from a law enforcement agency to an office of official designated by the juvenile board of a county on the number and kind of dispositions made with regard to juveniles without referral to a juvenile court or a first offender program.	2 years.	
*LC2450-03	VIDEO RECORDINGS OF REQUESTS FOR BREATH SPECIMEN TESTS	Video recordings of children who are requested to take a breath specimen test.	Until the disposition of any proceeding against a child relating to the arrest is final.	By law - Family Code, Section 52.02(d).
*LC2450-04	JUVENILE DELINQUENCY RECORDS [STATUTORY WARNINGS]	Copies of statutory warnings issued to a child and the child’s parent, guardian, or custodian in those instances in which a child is not taken into custody, including copies of the notice filed with the law enforcement agency that employs the officer and the office or official designated by the juvenile board.	2 years.	

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2450-05	JUVENILE CASE PAPERS	Documents relating to juvenile detention, transfer, adjudication, or disposition, including all records transferred to the court by law enforcement or other agencies under sealing orders issued by a court.		
*LC2450-05a	JUVENILE CASE PAPERS	<p>Cases papers for offenses committed on or before 31 August 1987:</p> <ol style="list-style-type: none"> 1. If the person has not been convicted of a felony as an adult. 2. If the person has been convicted of a felony as an adult. 	<p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in LC2450-05(a)(2).</p>
*LC2450-05b	JUVENILE CASE PAPERS	<p>Case papers for offenses committed between 1 September 1987 and 31 December 1995:</p> <ol style="list-style-type: none"> 1. If the person has not been convicted of a felony as an adult. 	<p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed.</p>

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>2. If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 33.</p>	<p>Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in LC2450-05(b)(2).</p>
*LC2450-05c	JUVENILE CASE PAPERS	<p>Case papers for offenses committed on or after 1 January 1996:</p> <ol style="list-style-type: none"> 1. The most serious allegation adjudicated was conduct indicating a need for supervision; or the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court's staff did not take action of the referral or information for that reason. 2. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication. 3. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of felony. 	<p>Until the individual is at least 18 years of age.</p> <p>Until the individual is at least 21 years of age.</p> <p>Until the individual is at least 31 years of age.</p>	<p>By law - Family Code, Section 58.0071(d)(1).</p> <p>By law - Family Code, Section 58.0071(d)(2).</p> <p>By law - Family Code, Section 58.0071(d)(3).</p>
*LC2450-06	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES			
*LC2450-06a	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or before 31 August 1987:</p> <ol style="list-style-type: none"> 1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct 	<p>Must be destroyed immediately upon</p>	

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is no record that he or she committed a criminal offense after reaching the age of 17.</p> <p>2. If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17:</p> <p style="padding-left: 40px;">A) If the person has not been convicted of a felony as an adult.</p> <p style="padding-left: 40px;">B) If the person has been convicted of a felony as an adult.</p>	<p>fulfillment of any of the conditions listed.</p> <p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>
*LC2450-06b	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p>	

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is <i>no</i> record that he or she committed a criminal offense after reaching the age of 17; or person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release.</p> <p>2. If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than felony, has reached the age of 18, but there is a record that he or she committed an offense after the age of 17:</p> <p>A) If the person has not been convicted of a felony as an adult.</p> <p>B) If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	
*LC2450-06c	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or after 1 January 1996:</p> <p>1. Fingerprints and photographs of juveniles not taken into custody, but with the consent of a parent or guardian to aid future identification if needed.</p>	<p>Until the juvenile is 18.</p>	

Record Number	Record Title	Record Description	Total Retention	Remarks
		<p>2. Fingerprints and photographs of juveniles not referred to a juvenile court within 10 days after the date the juvenile is taken into custody unless the juvenile is placed in a first offender program or is on informal disposition</p> <p>3. Fingerprints and photographs of juveniles undergoing informal disposition.</p> <p>4. Fingerprints and photographs of juveniles placed in first offender programs</p> <p>5. Fingerprints or photographs taken for comparison in the investigation of an offense that do not result in a positive comparison or identification.</p> <p>6. Fingerprints or photographs of juveniles, whose identities are not known, who are taken into custody with probable cause to believe that the juvenile has engaged in conduct indicating a need for supervision.</p>	<p>Must be destroyed immediately.</p> <p>Must be destroyed upon completion of the informal disposition.</p> <p>Must be destroyed after the 90th day after the day the juvenile successfully completes a first offender program.</p> <p>Must be destroyed immediately.</p> <p>Destroy immediately upon identification of the juvenile or upon determination that the juvenile cannot be identified by the fingerprints or photograph.</p>	
*LC2450-07	JUVENILE COURT DOCKET		5 years.	
*LC2450-08	JUVENILE RECORD (JUVENILE COURT MINUTES)		PERMANENT.	
*LC2450-09	JUVENILE DETENTION REGISTER	Register or roster of juveniles temporarily confined to jail or equivalent detention centers pending disposition.	2 years.	

Record Number	Record Title	Record Description	Total Retention	Remarks
*LC2450-10	JUVENILE INFORMATION SYSTEMS (LOCAL)	Locally maintained juvenile information databases containing the information required by Family Code, Section 58.304.	PERMANENT.	Retention Note: Data concerning an individual contained in the database may be deleted according to retention periods established for juvenile offenders in records series listed elsewhere in this schedule.
*LC2450-11	AUDIO OR VIDEOTAPES OF RELEASE HEARINGS		Date of final judgment in release hearing + 2 years.	By law – Family Code, Section 540.11(g).

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927
512-463-5460 or 512-463-5436 Fax

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TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE PS (Third Edition)

RETENTION SCHEDULE FOR RECORDS OF PUBLIC SAFETY AGENCIES

This schedule establishes mandatory minimum retention periods for records commonly found in public safety agencies. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records listed in this schedule may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

Introduction

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period. This includes electronic mail (email), websites and electronic publications.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record whose retention period has expired may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated; its destruction shall not occur until the completion of the action and the resolution of all issues that arise from it.

A local government record whose retention period expires during any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record may not be destroyed until the completion of the action and the resolution of all issues that arise from it.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed the retention period, unless otherwise stated, dates from the date of last entry.

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purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

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ABBREVIATIONS USED IN THIS SCHEDULE

- AV - As long as administratively valuable
- CE - Calendar year end
- CFR - Code of Federal Regulations
- FE - Fiscal year end
- LA - Life of asset
- TAC - Texas Administrative Code
- U.S.C. - United State Code
- US - Until superseded

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RECORDS OF PUBLIC SAFETY AGENCIES

Retention Notes: a) The term “public safety agency” means any local law enforcement, fire fighting, emergency medical services, or emergency communications department, district, or office; and the offices of the county medical examiner, district attorney, county attorney, and community supervision and corrections.

b) For administrative, financial, personnel, and support service records not included in this schedule, see Local Schedule GR (Records Common to All Governments).

PART 1: RECORDS COMMON TO PUBLIC SAFETY AGENCIES

Retention Note: This part provides retention periods for records common to two or more of the public safety agencies included in this schedule.

SECTION 1-1: GENERAL OPERATIONS RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4025-01	ACTIVITY AND STATISTICAL REPORTS	Narrative and/or statistical activity reports prepared by shift supervisors, unit heads, or other public safety personnel on daily or other periodic activities, except reports of the types included in other records groups in this schedule.		
PS4025-01a	ACTIVITY AND STATISTICAL REPORTS	Daily and weekly reports.	1 year.	
PS4025-01b	ACTIVITY AND STATISTICAL REPORTS	Monthly, bimonthly, quarterly, or semi-annual reports.	3 years.	
PS4025-01c	ACTIVITY AND STATISTICAL REPORTS	Annual reports.	PERMANENT.	
PS4025-01d	ACTIVITY AND STATISTICAL REPORTS	Chronological logs or registers of activities, usually kept at station, company, or unit level, of daily activities such as roll calls, briefings, visitors, drills, inspections, except for records of similar types noted elsewhere in this schedule.	1 year.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4025-02	DAILY BULLETINS	Daily bulletins created by a public safety agency providing data on officers or personnel on duty, tasks and vehicles assigned, information concerning special procedures or information (e.g., missing persons, be-on-the-look out for, hazardous fire conditions), and other information customary to the operations of a public safety agency.	1 year.	
PS4025-03	GENERAL AND EMERGENCY ORDERS AND RELATED DOCUMENTATION			
PS4025-03a	GENERAL AND EMERGENCY ORDERS AND RELATED DOCUMENTATION	Orders issued by the head of a public safety agency, or deputies possessing requisite authority, establishing policy or standard operating procedures.	US + 5 years.	Retention Note: Prior to disposal, orders under (a) and (b) shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY
PS4025-03b	GENERAL AND EMERGENCY ORDERS AND RELATED DOCUMENTATION	Special orders issued by the head of a public safety agency, or deputies possessing requisite authority, declaring emergencies, ordering evacuations, and similar extraordinary directives.	3 years.	Retention Note: Prior to disposal, orders under (a) and (b) shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY
PS4025-03c	GENERAL AND EMERGENCY ORDERS AND RELATED DOCUMENTATION	Codes of conduct.	PERMANENT.	
PS4025-04	OPERATIONAL PERMITS AND CERTIFICATIONS	Permits and certifications from federal or state agencies as required by law or regulation for public safety activities and equipment and any reports, correspondence, or other documentation bearing on the application for the issuance of or renewal of a permit or certification.		
PS4025-04a	OPERATIONAL PERMITS AND CERTIFICATIONS	Granted permits and certifications and associated documentation.	Expiration or cancellation + 3 years.	
PS4025-04b	OPERATIONAL PERMITS AND CERTIFICATIONS	Documentation concerning denied permits.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4025-05	PLANNING STUDIES AND REPORTS	Plans, studies, and analyses relating to public safety strategies, personnel needs assessments, station boundary and manpower distribution studies, contingency plans, and similar planning reports pertinent to fulfilling the duties and responsibilities of a public safety agency.		
PS4025-05a	PLANNING STUDIES AND REPORTS	Special reports or studies prepared by order or request of the governing body or considered by the governing body (as reflected in its minutes) or ordered or requested by a state agency or a court.	PERMANENT.	
PS4025-05b	PLANNING STUDIES AND REPORTS	All other planning reports or studies.	5 years.	Retention Note: Prior to disposal, planning reports and studies shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY . See also item number 1000-39 in Local Schedule GR (Records Common to All Local Governments).

SECTION 1-2: VEHICLE, EQUIPMENT, AND ANIMAL RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4050-01	AIRCRAFT HISTORY AND MAINTENANCE RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4050-01a	AIRCRAFT HISTORY AND MAINTENANCE RECORDS	Records maintained on each helicopter or fixed-wing aircraft used to document the total time in service of the airframe, each engine, each propeller, and each rotor; the current status of life-limited parts of each airframe, engine, propeller, rotor, and appliance; any major alterations to such engines and devices; when inspections and overhauls last occurred; and documentation of compliance with Federal Aviation Administration (FAA) airworthiness directives.	LA, but see retention note.	By regulation - 14 CFR 91.417(b)(2). Retention Notes: a) When an aircraft is sold, all records relating to the aircraft described in (a) must be transferred to the new owner by FAA regulation [14 CFR 91.417(b)(2)]. b) If an aircraft is involved in an accident or incident subject to investigation by the National Transportation Safety Board (NTSB), all records described in (a), and those described in (b) and (c) below that have not been destroyed according to the retention period given, must be retained until the NTSB takes custody of the records or a release is granted by an authorized representative of the board. In addition, any records or reports, including internal memoranda, dealing with the accident or incident must be retained until authorized by the NTSB to the contrary.
PS4050-01b	AIRCRAFT HISTORY AND MAINTENANCE RECORDS	Records of maintenance, preventative maintenance, and alteration.	Until the work is repeated or superseded by other work or for 1 year after the work is performed, as applicable.	By regulation - 14 CFR 91.417(b)(1).
PS4050-01c	AIRCRAFT HISTORY AND MAINTENANCE RECORDS	Records of 100-hour, annual, progressive, or other FAA required or approved inspections.	Until the work is repeated or superseded by other work or for 1 year after the work is performed, as applicable.	By regulation - 14 CFR 91.417(b)(1).
PS4050-02	ANIMAL RECORDS	Records concerning horses, dogs, or other animals owned by public safety agencies, including records of the acquisition of the animal, its registration and pedigree papers (if applicable), records of training, and its veterinary history.	Until the retirement or sale of the animal + 2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4050-03	VEHICLE ASSIGNMENT RECORDS			
PS4050-03a	VEHICLE ASSIGNMENT RECORDS	Logs, registers or similar records documenting the sign-out and use of public safety vehicles by personnel.	1 year.	
PS4050-03b	VEHICLE ASSIGNMENT RECORDS	Authorizations for the home storage of public safety vehicles.	Expiration of authorization + 1 year.	
PS4050-04	VEHICLE HISTORY AND MAINTENANCE RECORDS			
PS4050-04a	VEHICLE HISTORY AND MAINTENANCE RECORDS	Master record on each public safety vehicle (including watercraft) and its apparatus and containing the following: complete description including identification and license numbers; title and registration papers; annual beginning and ending odometer readings; total annual fuel, maintenance, labor, and parts costs; and complete maintenance and inspection history (in summary form showing date and nature of inspection, service, and repair).	LA.	<p>Retention Notes: a) This schedule does not require the creation of a vehicle master record of the type described, but if a vehicle master record is not maintained, records containing the prescribed information must be retained for the life of the vehicle. For example, if work orders in (b) are the only record maintained of repairs to public safety vehicles, they must be retained for the life of the vehicle.</p> <p>b) If a public safety vehicle is salvaged as the result of an accident, the vehicle master record or, if one is not created, documents providing the types of information prescribed, must be retained for LA + 3 years.</p> <p>c) If a public safety vehicle is sold or given to another public safety agency for use as a public safety vehicle, the vehicle master record may be transferred with the vehicle.</p>
PS4050-04b	VEHICLE HISTORY AND MAINTENANCE RECORDS	Service requests/work orders.	3 years.	
PS4050-04c	VEHICLE HISTORY AND MAINTENANCE RECORDS	Daily or other periodic activity reports on fuel and oil consumption, odometer readings, etc. from which data is derived for operating cost reports and the vehicle master record.	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4050-04d	VEHICLE HISTORY AND MAINTENANCE RECORDS	Daily or other periodic inspection reports of vehicles and their apparatus including records relating to the testing and calibration of radar systems and guns and the testing of speedometers in police vehicles.	3 years.	
PS4050-04e	VEHICLE HISTORY AND MAINTENANCE RECORDS	Daily or other periodic inventory reports of vehicle apparatus and supplies, including drug supplies in EMS vehicles and aircraft.	3 years.	
PS4050-04f	VEHICLE HISTORY AND MAINTENANCE RECORDS	Specifications, circuit diagrams, and similar documents relating to vehicles and their apparatus.	LA.	
PS4050-05	WEAPONS RECORDS			
PS4050-05a	WEAPONS RECORDS	Records of issuance of weapons to public safety personnel.	Until return of weapon + 3 years.	
PS4050-05b	WEAPONS RECORDS	Records of inspection and repair of weapons.	LA.	
PS4050-05c	WEAPONS RECORDS	Records documenting the sale, gift, loss, or destruction of public safety weaponry.	3 years.	
PS4050-05d	WEAPONS RECORDS	Inventories of weapons.	US + 3 years.	
*PS4050-06	SURVEILLANCE VIDEOS	Video surveillance for, but not limited to, security of property and persons.	AV.	
*PS4050-07	GPS TRACKING RECORDS	Global Positioning System (GPS) data used to track locations of police vehicles.	30 days.	Retention Note: If the GPS data are used to establish the location of a police vehicle as part of an investigation they should be retained with the investigation case file.

SECTION 1-3: PERSONNEL RECORDS

Retention Note: This part supplements and should be used in conjunction with Part 3 of Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4075-01	INTERNAL AFFAIRS INVESTIGATION RECORDS	Records documenting the initiation, investigation, and disposition of internal affairs investigations of alleged misconduct by law enforcement officers, fire department personnel, and emergency medical services personnel.		Retention Notes: a) As used in the records descriptions for this group, the term “formal discipline” is disciplinary action at or above the level of a written reprimand. The term “informal discipline” is disciplinary action below the level of a written reprimand. b) Retention periods for this record group date from the completion of the investigation.
PS4075-01a	INTERNAL AFFAIRS INVESTIGATION RECORDS	Records of investigation of law enforcement shooting incidents which result in death or injury to any person, including a police officer.	PERMANENT.	
PS4075-01b	INTERNAL AFFAIRS INVESTIGATION RECORDS	Records of investigations that result in sustained formal discipline.	15 years.	
PS4075-01c	INTERNAL AFFAIRS INVESTIGATION RECORDS	Records of investigations that result in sustained informal discipline or of investigations whose findings are inconclusive.	5 years, provided a 1 year infraction free period precedes the date of destruction.	
PS4075-01d	INTERNAL AFFAIRS INVESTIGATION RECORDS	Records of investigations whose findings are not sustained, or in cases where accusations are determined to be unfounded or the accused is exonerated.	3 years.	
PS4075-01e	INTERNAL AFFAIRS INVESTIGATION RECORDS	Written complaints and records of oral complaints received from the public concerning the conduct of law enforcement officers, fire department personnel, and emergency medical personnel that do not lead to an internal affairs investigation.	Determination not to initiate an internal affairs investigation + 2 years.	
PS4075-02	OFF-DUTY ASSIGNMENT RECORDS	Records concerning off-duty assignments of public safety personnel, including applications for such assignments.	2 years.	

SECTION 1-4: EMERGENCY COMMUNICATIONS RECORDS

Retention Note: This part supplements and should be used in conjunction with Part 3 of Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4100-01	9-1-1 MASTER FILES	Master file on residents in a 9-1-1 service area containing name, address, 9-1-1 address, telephone number, and other information needed to provide service.	US.	
PS4100-02	MASTER FILE SOURCE DOCUMENTATION	Documentation received from telephone companies or other sources used to update information in 9-1-1 master files (see item number PS4100-01).	AV.	
PS4100-03	ANTENNA ILLUMINATION RECORDS	Records documenting the monitoring, inspection, and repair of illuminated antenna and antenna supporting structures.	1 year.	By regulation - 47 CFR 90.447.
PS4100-04	COMMUNICATION TAPES AND PRINTOUTS	Tapes and printouts of incoming and outgoing telephone and radio communications.	30 days.	
*PS4100-05	DISPATCH REPORTS	Record created by dispatcher on each call for service showing date and time call received, nature of call, and details of action taken in response to call.	2 years.	Retention Note: Prior to disposal, dispatch records shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY .
PS4100-06	RADIO AND PAGING LOGS	Listing of each radio call or pages from or to a dispatcher showing date, time, and location of call.	1 year.	
PS4100-07	TRANSMITTER MEASUREMENT AND REPAIR RECORDS	Records documenting the repair of transmitters and the measurement of frequency tolerances, power output, and modulation on transmitters authorized to operate with a power output in excess of two watts.	1 year.	By regulation - 47 CFR 90.447.

PART 2: LAW ENFORCEMENT RECORDS

Retention Note: The minimum retention periods in this part, to the extent the records described are created or maintained by the offices or officers named, are binding on sheriffs; constables; municipal police departments; arson investigating units of municipal and county fire agencies; investigators from the offices of district, criminal district, and county attorneys; county park rangers; municipal park and recreational patrolmen and security officers; airport police and security personnel; and persons commissioned as peace officers by the governing bodies of public school districts, junior colleges, water control and improvement districts, port authorities, metropolitan rapid transit authorities, regional transit authorities, and hospital districts. The term “law enforcement agency,” “law enforcement officer,” or “peace officer” as used in this schedule, means the offices, departments, or officers noted above.

SECTION 2-1: ARREST AND OFFENSE RECORDS

Retention Notes: a) The record groups described in this section concern adults or juveniles arrested and tried as adults. See Section 2-5 of this schedule for juvenile delinquency records.

b) Arrest and other law enforcement records relating to an individual are subject to expunction under Code of Criminal Procedure, Arts. 55.01 to 55.05. An expunction order overrides any retention period established in this schedule. The destruction of expunged records is exempt from destruction requests to the Texas State Library and Archives Commission.

c) For the purposes of this section the term “person” includes a corporation or association.

Record Number	Record Title	Record Description	Retention Period	Remarks
*PS4125-01	ACTIVITY LOGS OR DOCKETS	Logs or equivalent records, usually arranged chronologically or by case, court, or citation number, providing summary data on complaints investigated by law enforcement officers, arrests made, citations issued, accidents investigated, court arraignments, court appearances by officers, and similar activities relating to the arrest or citation of persons or the investigation of offenses.	2 years; or 2 years after last entry if in bound volume.	Retention Note: Prior to disposal, activity logs or dockets which are kept in a bound volume shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY .

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4125-02	ARREST REPORTS	Arrest report and fingerprints on each person arrested by the law enforcement agency and charged with a felony or a misdemeanor not punishable by fine only.	75 years, or date of death of individual, if known.	See item number PS4125-05(b)(1) for arrest reports on persons arrested for Class C misdemeanors. Retention Note: If the arrest report does not provide the following information, documents from offense investigation records (see item number 4125-05) sufficient to provide the information must be retained 75 years or until date of death of the individual, if known: the name (including aliases), date of birth, and physical description of the offender; the name of the arresting agency; the arrest charge and whether it is a felony or a misdemeanor; the date of arrest; and the date and exact disposition of the case by the agency.
PS4125-03	BAIL BOND RECORD	Record of bail or recognizance bonds taken by a sheriff or other peace officer pursuant to Code of Criminal Procedure, Arts. 17.20 to 17.22.	3 years; or 3 years after last entry if in bound volume.	
*PS4125-04	VIDEO AND AUDIO RECORDINGS FROM POLICE VEHICLES	Video or audio recordings of persons detained for possible DWI or other violations.		
*PS4125-04a	VIDEO AND AUDIO RECORDINGS FROM POLICE VEHICLES	Video or audio recordings of persons on whom charges are not filed.	90 days after the date of the stop.	By law -Code of Criminal Procedure, art. 2.135-2(b).
*PS4125-04b	VIDEO AND AUDIO RECORDINGS FROM POLICE VEHICLES	Video or audio recordings of persons on whom charges are filed. 1) Class C misdemeanors. 2) Offenses greater than Class C misdemeanors.	90 days after the date of the stop. 30 days after entry of judgment in case.	By law -Code of Criminal Procedure, art. 2.135-2(b).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4125-05	OFFENSE INVESTIGATION RECORDS	Offense and supplemental offense reports; investigation reports and notes; witness statements; latent fingerprints; results of chemical analysis and polygraph tests; crime scene, mug shot, and other photographs; laboratory reports; arrest reports (Class C misdemeanors only); citations; affidavits; criminal process; victim impact statements; and other records relating and customary to the investigation of criminal offenses or other violations of state law or local ordinance.		
PS4125-05a	OFFENSE INVESTIGATION RECORDS	Cases not cleared.	Until the statute of limitations has expired.	
PS4125-05b	OFFENSE INVESTIGATION RECORDS	<p>Cases in which an arrest is made or a citation issued and a law enforcement agency has certain knowledge of the pretrial or adjudicated disposition of an arrested or cited person and considers the case to have been cleared by the conviction or acquittal of the person arrested or cited, by the dismissal of charges against the person, or by the entry on the record of a court by a prosecuting attorney of a nolle prosequi.</p> <p>(1) Class C misdemeanors and unclassified violations of state law or local ordinance punishable by fine only (including arrest reports and citations).</p> <p>(2) Class A and B misdemeanors and state jail felonies.</p> <p>(3) Second and third-degree felonies.</p> <p>(4) First-degree and capital felonies.</p> <p>(5) Driving while intoxicated offenses.</p> <p>(6) Or, for any classification of offense.</p>	<p>6 months.</p> <p>2 years.</p> <p>10 years.</p> <p>50 years.</p> <p>10 years.</p> <p>Date of death of individual, if known.</p>	<p>Retention Note: a) Retention periods date from date of arrest or citation and are based on the highest classification of offense for which a person is arrested and charged or, if applicable, the highest classification of offense for which a person is tried, whichever the lesser classification.</p> <p>b) Copies of documents in offense investigation records the originals of which are maintained by, filed with, or returned to a court or another state or local law enforcement agency need be retained only as long as administratively valuable. Exceptions are copies of notices or other process that provide certain knowledge to the law enforcement agency of the pretrial or adjudicated disposition of a case.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4125-06	RAP SHEETS	Copies of rap sheets received from the Texas Department of Public Safety or other law enforcement agencies.	AV.	
PS4125-07	STATUTORY WARNING TAPES	Tapes of appearances of arrested persons before magistrates via two-way closed circuit television for the purposes of statutory warnings in accordance with Code of Criminal Procedure, Art. 15.17.	The date the pretrial hearing ends; the 91st day after the date on which the recording was made if the person is charged with a misdemeanor; or the 120th day after the date on which the recording was made if the person is charged with a felony, whichever soonest.	By law - Code of Criminal Procedure, Art. 15.17(a).

SECTION 2-2: INCIDENT RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4150-01	ACCIDENT REPORTS	Records relating to traffic accidents, including accident reports, supplemental accident reports, photographs, correspondence, and related documentation.		
*PS4150-01a	ACCIDENT REPORTS	Originals.	Send to the Texas Department of Transportation.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*PS4150-01b	ACCIDENT REPORTS	Copies. 1) Accident reports in which no arrest is made. 2) Accident reports in which an arrest is made.	AV. A copy of the accident report must be retained for the appropriate retention period under item number PS4125-05(b).	
PS4150-02	CHILD ABUSE REPORTS	Copies of child abuse reports received by a law enforcement agency pursuant to Family Code, Sections 261.103 and 261.105, which do not become part of arrest and offense investigation records (see item numbers 4125-02 and 4125-05).	3 years.	
PS4150-03	DEATH IN CUSTODY REPORTS	Copies of reports submitted by a sheriff or the director of a law enforcement agency to the Attorney General concerning the deaths of persons while in the custody of a peace officer or while confined in jail.	3 years.	
PS4150-04	FAMILY VIOLENCE REPORTS	Family violence reports that do not become a part of arrest or offense investigation records (see item numbers 4125-02 and 4125-05).	3 years.	
PS4150-05	FIELD INTERROGATION REPORTS	Reports on persons stopped and interrogated in the field because of suspicious behavior.	AV.	
PS4150-06	GUNSHOT WOUNDS, REPORTS OF	Reports received from physicians or other persons as required by Health and Safety Code, Section 161.041 of the treatment, or the request for treatment, of gunshot wounds.	3 years.	
*PS4150-07	INCIDENT REPORTS	Reports concerning incidents or complaints that, after investigation, did not appear to have involved the commission of a crime.	3 years.	
PS4150-08	MISSING AND UNIDENTIFIED PERSONS FILES	Reports on missing children and adults, requests for investigation, photographs, fingerprints, dental records, x-rays, notifications of possible match, and similar documents relating to the location of missing children and adults, including similar records relating to unidentified bodies found in the county and reported to the sheriff.	Date person located or body identified + 3 years.	Retention Note: If the location of the person or the identification of a body leads to a criminal investigation by the law enforcement agency, the records described must be retained for the same period as arrest and offense investigation records (see item numbers PS4125-02 and PS4125-05).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4150-09	WARNING CITATIONS	Warning citations issued for violations of motor vehicle laws or for those violations of the penal code (e.g., criminal trespass) in which the issuance of warning citations is customary.	AV.	

SECTION 2-3: OPERATIONAL SUPPORT RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4175-01	CHEMICAL BREATH TEST RECORDS	Logs, test records, operational check lists, and similar records relating to the administration of chemical breath tests.	2 years.	
*PS4175-02	CRIMINAL INTELLIGENCE AND ANALYSIS FILES	Records created and maintained to anticipate, prevent, or monitor possible criminal activity, including crime pattern, crime analysis, and modus operandi reports; forecasts; evaluation reports; investigation recommendations; reports on movements of known offenders; information on confidential informants; and messages and alerts from other agencies.	AV.	<p>Retention Note: Information compiled by a law enforcement agency pursuant to Chapter 61, Code of Criminal Procedure, concerning criminal combinations or criminal street gangs must be destroyed after 3 years if:</p> <p>(1) the information relates to the investigation or prosecution of criminal activity engaged in by an individual other than a child; and</p> <p>(2) the individual to whom the information relates has not been charged with criminal activity.</p> <p>In determining whether information is required to be removed, the three-year period does not include any period during which the individual who is the subject of the information is confined in the institutional division or the state jail division of the Texas Department of Criminal Justice.</p> <p>By law - Art. 61.06(b), Code of Criminal Procedure.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4175-03	FINGERPRINT RECORDS	Fingerprint records maintained in paper or on automated systems of missing persons, suspects, known offenders, incarcerated persons, etc.	AV.	Retention Note: Fingerprint records of persons arrested for offenses other than Class C misdemeanors must be retained 75 years or until date of death of individual, if known by the arresting agency. See item number PS4125-02.
*PS4175-04	FUGITIVE REPORTS	Certified reports submitted by a sheriff to the Adjutant General (1887-1965) or to the Texas Department of Public Safety (1965-current) on persons who have fled the county and are under indictment for a felony.	AV.	Retention Note: Prior to disposal, fugitive reports shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY .
PS4175-05	LAW ENFORCEMENT INFORMATION DISSEMINATION, INQUIRY, AND RECEIPT RECORDS	Reports, logs, and other records pertinent to documenting the dissemination of criminal histories and other information to law enforcement or other agencies through crime information networks (e.g., TCIC, NCIC) or by other methods and similar records documenting inquiries for and the receipt of information.		
PS4175-05a	LAW ENFORCEMENT INFORMATION DISSEMINATION, INQUIRY, AND RECEIPT RECORDS	Records of the dissemination of criminal histories.	3 years.	
PS4175-05b	LAW ENFORCEMENT INFORMATION DISSEMINATION, INQUIRY, AND RECEIPT RECORDS	Records of the dissemination of information other than criminal histories (e.g., missing persons, stolen property).	AV.	
PS4175-05c	LAW ENFORCEMENT INFORMATION DISSEMINATION, INQUIRY, AND RECEIPT RECORDS	Records of inquiries for and the receipt of information, including criminal histories.	AV.	
PS4175-05d	LAW ENFORCEMENT INFORMATION DISSEMINATION, INQUIRY, AND RECEIPT RECORDS	Administrative messages received through TCIC/NCIC or other networks.	AV.	
PS4175-06	MUG BOOKS	Photographs or photograph albums of known offenders used by crime victims or witnesses for identification.	AV.	
PS4175-07	PAWN SHOP TICKETS	Copies of pawn shop tickets provided to a law enforcement agency.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4175-08	POLYGRAPH EXAMINATION RECORDS	Polygraph charts, question sheets, reports of examination results, data sheets, films, audio and video of examinations, opinions from the examiner from chart analysis, and other records pertinent to a polygraph examination.	2 years.	Retention Note: If a report of the results of a polygraph examination is placed in offense investigation records (see item number PS4125-05), it must be retained for the retention period for those records. By regulation - 22 TAC 395.4.
PS4175-09	PROPERTY RECORDS	Reports, logs, property cards, receipts, notices, and similar records documenting the receipt, processing, chain of custody, and disposition by return, destruction, or sale of evidential, stolen, abandoned, unclaimed, impounded, or recovered property, including motor vehicles, by a law enforcement agency.	FE of return or disposal of property + 3 years.	Retention Note: Any records in this series must be retained for FE + 5 years if they serve to document the collection of sales tax due to the State Comptroller of Public Accounts.
*PS4175-10	SEX OFFENDER REGISTRATION RECORDS	All documentation relating to the registration of sex offenders for reportable convictions or adjudication with a municipal police department or a sheriff pursuant to the Texas Code of Criminal Procedure, Chapter 62	75 years, or until sex offender's death, but see retention note.	Retention Note: If the law enforcement agency has certain knowledge that a registrant has moved from its jurisdiction, the registration records of the person need only be retained as long as administratively valuable. All documentation relating to the registration of a sex offender who is required to register for life shall be kept until the death of the sex offender. [28 CFR. 811.6]. When a person is no longer required to register as a sex offender, all information about the person must be removed from the sex offender registry. [Code of Criminal Procedure, Section 62.251].
PS4175-11	SPECIAL WATCH RECORDS	Informational forms or lists provided to officers of businesses or residences needing special watch, including requests from the public for such watches.	AV.	
PS4175-12	STOLEN PROPERTY RECORDS	Cards, lists, or logs providing an abstract record of stolen property, including stolen vehicles, usually including description of item or vehicle, place and date stolen, serial numbers, and similar information.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4175-13	TELETYPE MESSAGES	Teletype messages received from other law enforcement agencies or through crime information networks that are not made part of offense investigation records (see item number PS4125-05) or other records groups in this schedule.	AV.	
PS4175-14	UNIFORM CRIME REPORTS	Copies of uniform crime reports submitted to the Texas Department of Public Safety.		
PS4175-14a	UNIFORM CRIME REPORTS	Monthly reports.	3 years.	
PS4175-14b	UNIFORM CRIME REPORTS	Annual reports.	PERMANENT.	
PS4175-15	WANTED PERSONS FILES	Records received on persons wanted by other law enforcement agencies.	AV.	
PS4175-16	PROTECTIVE ORDERS			
*PS4175-16a	PROTECTIVE ORDERS	Emergency protective orders issued by magistrates pursuant to Article 17.292, Code of Criminal Procedure. 1) Issued under authority of Art. 17.272(a), Code of Criminal Procedure. 2) Issued under authority of Art. 17.272(b), Code of Criminal Procedure.	Date of order + 31 days or 61 days, per term of order. Date of order + 61 days or 91 days, per terms of order.	By law Art. 17.292 (j) Code of Criminal Procedures. By law Art. 17.292 (j) Code of Criminal Procedures.
*PS4175-16b	PROTECTIVE ORDERS	Protective orders (original and modified) issued pursuant to Section 3.581 and Chapter 85, Family Code, including notices of vacation of orders.	Date of receipt of notice of vacation of order; date order expires according to its terms; or 1 year, whichever soonest.	
PS4175-16c	PROTECTIVE ORDERS	Periodic lists of persons under protective orders.	US.	
PS4175-17	BRADY BILL HANDGUN STATEMENTS	Statements made by persons who wish to have handguns sold, transferred, or delivered to them.		
PS4175-17a	BRADY BILL HANDGUN STATEMENTS	Statements and any associated documentation of those to whom the sale, transfer, or delivery of a handgun would not violate federal or state law.	Must be destroyed within 20 business days from the date the statement was signed.	By law - 18 U.S.C. Section 922(s)(6)(B)(i).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4175-17b	BRADY BILL HANDGUN STATEMENTS	Statements and any associated documentation of those to whom the sale, transfer, or delivery of a handgun would violate federal or state law.	3 years.	
PS4175-18	CONCEALED HANDGUN RECORDS			
PS4175-18a	CONCEALED HANDGUN RECORDS	Lists of persons who possess concealed handgun permits submitted by the Texas Department of Public Safety to county sheriffs, and other law enforcement agencies on request.	US or obsolete.	
PS4175-18b	CONCEALED HANDGUN RECORDS	Copies of reports submitted by law enforcement agencies to the Texas Department of Public Safety as required by 37 TAC 6.119 regarding reportable incidents involving holders of concealed handgun permits that do not become part of arrest and offense investigation records (see item numbers PS4125-02 and PS4125-05).	2 years.	Obsolete record. 37 TAC 6.119 was repealed on 12/25/2003. These records are no longer required to be submitted to the Texas Department of Public Safety.
PS4175-19	HELP END AUTO THEFT (HEAT) RECORDS	Records of persons enrolling in the Help End Auto Theft (HEAT) program, including registration forms and written notices of cancellation from participants that the title to a registered vehicle has been transferred or that they no longer wish to participate in the program.	4 years or upon receipt of cancellation notice, whichever sooner.	
*PS4175-20	DNA COLLECTION RECORDS	DNA records of a person released on bail and those charged with, placed on community supervision for, or convicted of certain offenses.	Date of collection + three years, unless a court orders differently.	By regulation – 37 TAC 117(c).

SECTION 2-4: JAIL RECORDS

Retention Note: Some of the records in this section are maintained by sheriffs only, as chief jailers of a county. The retention periods in this section are binding, however, on other law enforcement agencies if they operate a jail or have holding cells and records of the types described are created and maintained, unless the description of the record clearly confines the application of the retention period to county jails only.

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4200-01	HEADCOUNT REPORTS	Periodic watch reports or checklists of all prisoners incarcerated.	1 year.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4200-02	JAIL INCIDENT REPORTS	Reports of incidents that result in physical harm, or a serious threat of physical harm, to an employee or inmate of a jail or other person, and reports of investigations of such incidents, showing names of persons involved, description of incident, actions taken, and date and time of the occurrence.	5 years.	Retention Note: If a jail incident results in a criminal investigation and arrest, the reports must be retained for the retention periods prescribed in item numbers PS4125-02 and PS4125-05, as applicable.
PS4200-03	JAIL INSPECTION AND OPERATION REPORTS AND LOGS	Inspection reports of a jail and various aspects of its operation and logs or calendars of such inspections, except records of the types described included in other record groups in this part.		
PS4200-03a	JAIL INSPECTION AND OPERATION REPORTS AND LOGS	Daily and weekly reports.	2 years.	
PS4200-03b	JAIL INSPECTION AND OPERATION REPORTS AND LOGS	Monthly or other periodic reports compiled on a sub-annual basis not included in (a).	3 years.	
PS4200-03c	JAIL INSPECTION AND OPERATION REPORTS AND LOGS	Annual reports.	PERMANENT.	
PS4200-04	JAIL OPERATIONAL PLANS	Written plans required of sheriffs by the rules of the Texas Commission on Jail Standards relating to the operations of a county jail on life safety, prisoner classification, the provision of medical services, staffing, sanitation, prisoner discipline, prisoner grievance procedures, prisoner education and rehabilitation, prisoner privileges, the processing of female prisoners, and such other plans as the commission may require.	US + 5 years.	
*PS4200-05	JAIL POPULATION REPORTS	Monthly county jail population reports submitted to a district or county attorney pursuant to Code of Criminal Procedure, Art. 2.19, and to the Texas Commission on Jail Standards, pursuant to Government Code, Section 511.0101.	2 years.	Retention Note: Prior to disposal, jail population reports shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY .
PS4200-06	JAIL REGISTER	A summary record, in some form, of each person committed to a jail, showing at a minimum, the name and gender of the person, intake number, the reason for their commitment or confinement, and the date of their release or transfer.		

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4200-06a	JAIL REGISTER	County jail registers.	PERMANENT.	
PS4200-06b	JAIL REGISTER	Registers for all other local jails.	2 years.	
PS4200-07	PRISONER CONDUCT AND DISCIPLINARY RECORDS	Records relating to the conduct of, or disciplinary action taken with regard to each prisoner, including records of good-time credit earned and notices and reports issued by a disciplinary hearing panel.	Release or transfer of prisoner + 2 years.	
PS4200-08	PRISONER COUNSELING RECORDS	Records relating to the counseling of prisoners.		
PS4200-08a	PRISONER COUNSELING RECORDS	Records of psychological or psychiatric testing and counseling, of alcohol or substance abuse counseling, or of any counseling concerning medical matters.	Release or transfer of prisoner + 5 years.	
PS4200-08b	PRISONER COUNSELING RECORDS	Records of counseling of individual prisoners not noted in (a).	Release or transfer of prisoner + 2 years.	
PS4200-08c	PRISONER COUNSELING RECORDS	Administrative records of jail counseling programs.	3 years.	
PS4200-09	PRISONER GRIEVANCE RECORDS	Written grievances from prisoners and records of decisions of grievance boards.	Release or transfer of prisoner + 2 years.	
PS4200-10	PRISONER INCARCERATION RECORDS	Documentation on the commitment, transfer, or release of each prisoner incarcerated, including personal and classification data sheets; forms used for booking-in and booking-out; and copies of court commitment, transfer, or release orders or similar documents that purport to legally authorize a person's confinement. (See also item number PS4200-06.)	Release or transfer of the prisoner + 2 years.	
PS4200-11	PRISONER MEDICAL RECORDS	Records relating to the medical condition of and medical treatment given to each prisoner, including medical screening reports, medical isolation reports, reports by physicians or allied health personnel, and records of medications given or medical procedures administered.	Release or transfer of prisoner + 5 years.	
PS4200-12	PRISONER PROPERTY INVENTORIES AND RECEIPTS	Records documenting the receipt or confiscation of personal property from prisoners upon commitment and the return of non-confiscated property to prisoners upon release.	Release or transfer of prisoner + 2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4200-13	PRISONER TELEPHONE AND VISITOR RECORDS			
PS4200-13a	PRISONER TELEPHONE AND VISITOR RECORDS	Logs or similar records of prisoner requests to make phone calls, usually showing date of request, name of prisoner, and whether request granted or denied.	1 year or 1 year after last entry if in bound volume.	
PS4200-13b	PRISONER TELEPHONE AND VISITOR RECORDS	Logs, visitor cards, and similar records documenting visits to prisoners.	1 year or 1 year after last entry if in bound volume.	
PS4200-14	PRISONER TRANSFER RECORDS	Copies retained by a sheriff of any of the documents required to accompany the transfer of a prisoner from a county jail to the Texas Department of Criminal Justice as provided by Code of Criminal Procedure, Art. 42.09(8)(a).	AV.	Retention Note: It is an exception to the retention period for this record group that the original of an arrest report as required by Code of Criminal Procedure, art. 42.09(8)(a)(6) must be retained for the retention periods set out on item number PS4125-02, if the sheriff's department making the transfer made the arrest.
PS4200-15	TEXAS COMMISSION ON JAIL STANDARDS, ANNUAL REPORTS TO	Copies of annual reports on jail conditions submitted by a sheriff to the Texas Commission on Jail Standards.	PERMANENT.	
PS4200-16	TEXAS COMMISSION ON JAIL STANDARDS, INSPECTION REPORTS AND NOTICES OF	Reports, either annual or at more frequent intervals, of inspections of a county jail by representatives of the Texas Commission on Jail Standards and any notices of noncompliance, remedial orders, and copies of deficiency correction reports submitted by a sheriff to the commission.	PERMANENT.	
PS4200-17	VIDEOS OF PRISONERS	Video of prisoners in cells or other areas of a jail or holding facility.	30 days.	

SECTION 2-5: JUVENILE RECORDS

Retention Note: Juvenile court records are subject to sealing under Family Code, Section 58.003. While sealing restricts access to the records, it does not affect the minimum retention periods in this part or the destruction of the records following the expiration of the retention periods.

Records maintained by law enforcement agencies or other agencies relating to the investigation of offenses committed by juveniles or records concerning taking juveniles into custody and their prosecution are subject to sealing under Family Code, Section 58.003. On the entry of a sealing order by a court, law enforcement records or records held by other agencies relating to the case must be transferred to the court issuing the order and all index references to the

records ordered sealed must be deleted. The retention periods in this part apply to unsealed records of juveniles in the possession of law enforcement agencies or other agencies.

Record Number	Record Title	Record Description	Retention Period	Remarks
4225-01 through 4225-04	[WITHDRAWN]			
*PS4225-05	VIDEO RECORDINGS [JUVENILE DETENTION HEARINGS]	Video recordings of detention hearings involving juveniles.	The earlier of (1) the 91st day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a misdemeanor; (2) the 120th day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a felony; or (3) the date on which the adjudication hearing ends.	By law - Family Code, section 54.012(c).
*PS4225-06	JUVENILE DELINQUENCY RECORDS [INFORMAL DISPOSITION CASES]	Offense reports, disposition reports, fingerprints, photographs, and other records relating to the investigation of an offense or alleged offense committed by a juvenile and the taking of the juvenile into custody in those instances in which the juvenile is made subject to informal discipline, rather than being referred to a juvenile court or placed in a first offender program.	Must be destroyed upon completion of informal disposition.	By law - Family Code, Section 58.001(c).
*PS4225-07	JUVENILE DELINQUENCY RECORDS [INFORMAL DISPOSITION CASES], REPORT ON	Annual statistical reports from a law enforcement agency to an office of official designated by the juvenile board of a county on the number and kind of dispositions made with regard to juveniles without referral to a juvenile court or a first	2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
		offender program.		
*PS4225-08	JUVENILE DELINQUENCY RECORDS [FIRST OFFENDER PROGRAM]	Reports, photographs, fingerprints, and copies of notices to parents by a law enforcement officer referring a child to a first offender program without referral to a juvenile court.	Must be destroyed after the 90th day after the date the juvenile successfully completes the first offender program.	By law - Family Code, Section 58.001(c). Retention Note: If the child does not successfully complete the program, by his or her own volition, or is withdrawn from the program prior to its completion by the parent, guardian, or other custodian; or if the child is taken into custody before the 90th day after the date the child completes the program for conduct other than the conduct for which the child was referred to the first offender program, the case shall be referred to the juvenile court.
*PS4225-09	JUVENILE DELINQUENCY RECORDS [FIRST OFFENDER PROGRAM] REPORT ON	Annual reports from a law enforcement agency to the juvenile board containing the names and addresses of children taken into custody by the agency, including the gender and ethnicity of each child and the offense committed.	2 years.	
*PS4225-10	JUVENILE DELINQUENCY CASES (NON-REFERRED CASES)	Offense reports, disposition reports, fingerprints, photographs, and other records relating to the investigation of an offense or alleged offense committed by a juvenile and the taking of the juvenile into custody in those instances in which the juvenile is not referred to a juvenile court, placed in a first offender program, or is made subject to informal disposition within 10 days of being taken into custody.	Destroy immediately.	By law - Family Code, Section 58.001(c).
*PS4225-11	VIDEO RECORDINGS OF REQUESTS FOR BREATH SPECIMEN TESTS	Video recordings of children who are requested to take a breath specimen test.	Until the disposition of any proceeding against a child relating to the arrest is final.	By law - Family Code, Section 52.02(d).
*PS4225-12	JUVENILE DELINQUENCY RECORDS [STATUTORY WARNINGS]	Copies of statutory warnings issued to a child and the child's parent, guardian, or custodian in those instances in which a child is not taken into custody, including copies of the notice filed with the law enforcement agency that employs the officer and the office or official designated by the juvenile board.	2 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*PS4225-13	JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)	Offense reports, warning notices, fingerprints, photographs, and other records relating to the investigation of an offense committed by a juvenile and the taking of a juvenile into custody in those instances in which a warning notice has been issued and the case has been referred to juvenile court or a first offender program.		
*PS4225-13a	JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)	<p>Cases papers for offenses committed on or before 31 August 1987:</p> <ol style="list-style-type: none"> 1. If the person has not been convicted of a felony as an adult. 2. If the person has been convicted of a felony as an adult. 	<p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-13(a)(2).</p>
*PS4225-13b	JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)	<p>Case papers for offenses committed between 1 September 1987 and 31 December 1995:</p> <ol style="list-style-type: none"> 1. If the person has not been convicted of a felony as an adult. 	<p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>2. If the person has been convicted of a felony as an adult.</p> <p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Until the individual is 33.</p> <p>Date of judgment in disposition hearing + 25 years.</p>	<p>for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-13(b)(2).</p>
*PS4225-13c	JUVENILE CASE PAPERS (JUVENILE PROBATION DEPARTMENTS)	<p>Case papers for offenses committed on or after 1 January 1996:</p> <p>1. The most serious allegation adjudicated was conduct indicating a need for supervision;; or the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court's staff did not take action of the referral or information for that reason.</p> <p>2. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication.</p> <p>3. The most serious allegation adjudicated</p>	<p>Until the individual is at least 18 years of age.</p> <p>Until the individual is at least 21 years of age.</p>	

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>was delinquent conduct that violated a penal law of the grade of felony.</p> <p>4. If the juvenile was tried as an adult or was adjudged delinquent based on the violation of a penal law of the grade of felony and was sentenced to the Texas Youth Commission with a transfer to the Texas Department of Corrections under determinate sentencing procedures.</p>	<p>Until the individual is at least 31 years of age.</p> <p>Follow the retention periods for item number PS4125-05.</p>	
PS4225-14	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES			
*PS4225-14a	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or before 31 August 1987:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is no record that he or she committed a criminal offense after reaching the age of 17.</p> <p>2. If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17:</p> <p style="padding-left: 40px;">A) If the person has not been convicted of a felony as an adult.</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p> <p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>B) If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 33.</p>	<p>for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>
<p>*PS4225-14b</p>	<p>FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES</p>	<p>Fingerprints and photographs for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is <i>no</i> record that he or she committed a criminal offense after reaching the age of 17; or person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release.</p> <p>2. If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than felony, has reached the age of 18, but there is a record that he or she committed an offense after the age of 17:</p> <p>A) If the person has not been convicted of a felony as an adult.</p>	<p>Must be destroyed immediately upon fulfillment of any of the conditions listed.</p> <p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>B) If the person has been convicted of a felony as an adult.</p> <p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Until the individual is 33.</p> <p>Date of judgment in disposition hearing + 25 years.</p>	<p>and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in (2)(B).</p>
*PS4225-14c	FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES	<p>Fingerprints and photographs for offenses committed on or after 1 January 1996:</p> <ol style="list-style-type: none"> 1. Fingerprints and photographs of juveniles not taken into custody, but with the consent of a parent or guardian to aid future identification if needed. 2. Fingerprints and photographs of juveniles not referred to a juvenile court within 10 days after the date the juvenile is taken into custody unless the juvenile is placed in a first offender program or is on informal disposition 3. Fingerprints and photographs of juveniles undergoing informal disposition. 	<p>Until the juvenile is 18.</p> <p>Must be destroyed immediately.</p> <p>Must be destroyed upon completion of the informal disposition.</p>	

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>4. Fingerprints and photographs of juveniles placed in first offender programs</p> <p>5. Fingerprints or photographs taken for comparison in the investigation of an offense that do not result in a positive comparison or identification.</p> <p>6. Fingerprints or photographs of juveniles, whose identities are not known, who are taken into custody with probable cause to believe that the juvenile has engaged in conduct indicating a need for supervision.</p>	<p>Must be destroyed after the 90th day after the day the juvenile successfully completes a first offender program.</p> <p>Must be destroyed immediately.</p> <p>Destroy immediately upon identification of the juvenile or upon determination that the juvenile cannot be identified by the fingerprints or photograph.</p>	
PS4225-15	JUVENILE DETENTION REGISTER	Register or roster of juveniles temporarily confined to jail or equivalent detention centers pending disposition.	2 years.	
*PS4225-16	JUVENILE INFORMATION SYSTEMS (LOCAL)	Locally maintained juvenile information databases containing the information required by Family Code, §58.304.	PERMANENT	Retention Note: Data concerning an individual contained in the database may be deleted according to retention periods established for juvenile offenders in records series listed elsewhere in this schedule.
PS4225-17	JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)	Offense reports, warning notices, fingerprints, photographs, and other records relating to the investigation and prosecution of an offense committed by a juvenile and the taking of a juvenile into custody in those instances in which a warning notice has been issued and the case has been referred to juvenile court.		
*PS4225-17a	JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)	Cases papers for offenses committed on or before		

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>31 August 1987:</p> <p>1. If the person has not been convicted of a felony as an adult.</p> <p>2. If the person has been convicted of a felony as an adult.</p>	<p>Until the individual is 23.</p> <p>Until the individual is 33.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-17(a)(2).</p>
*PS4225-17b	<p>JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)</p>	<p>Case papers for offenses committed between 1 September 1987 and 31 December 1995:</p> <p>1. If the person has not been convicted of a felony as an adult.</p>	<p>Until the individual is 23.</p>	<p>Retention Note: State law requires that the records can only be destroyed at this point on the motion of a person in whose name files and records are kept or on the court's own motion. Local governments wishing to dispose of juvenile records at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. Local governments may dispose of the juvenile records on their own initiative only according to the retention period set out in PS4225-17(b)(2).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		<p>2. If the person has been convicted of a felony as an adult.</p> <p>3. If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony.</p>	<p>Until the individual is 33.</p> <p>Date of judgment in disposition hearing + 25 years.</p>	
*PS4225-17c	JUVENILE CASE PAPERS (PROSECUTING ATTORNEYS)	<p>Case papers for offenses committed on or after 1 January 1996:</p> <p>1. The most serious allegation adjudicated was conduct indicating a need for supervision;; or the referral or information did not relate to conduct indicating a need for supervision or delinquent conduct and the juvenile court or the court's staff did not take action of the referral or information for that reason.</p> <p>2. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of misdemeanor; or the most serious allegation was delinquent conduct that violated a penal law of the grade of misdemeanor or felony and there was not an adjudication.</p> <p>3. The most serious allegation adjudicated was delinquent conduct that violated a penal law of the grade of felony.</p> <p>4. If the juvenile was tried as an adult or was adjudged delinquent based on the violation of a penal law of the grade of felony and was sentenced to the Texas Youth Commission with a</p>	<p>Until the individual is at least 18 years of age.</p> <p>Until the individual is at least 21 years of age.</p> <p>Until the individual is at least 31 years of age.</p> <p>Follow the retention periods for item number PS2575-01.</p>	<p>By law - Family Code, Section 58.0071(d)(1).</p> <p>By law - Family Code, Section 58.0071(d)(2).</p> <p>By law - Family Code, Section 58.0071(d)(3).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
		transfer to the Texas Department of Corrections under determinate sentencing procedures.		

SECTION 2-6: RECORDS OF WRITS AND PROCESS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4250-01	CIVIL WRITS AND PROCESS	Writs, notices, orders, and other civil process issuing from a court or other legally authorized agencies or individuals to be executed, posted, or published by a peace officer, including any attached proofs of service; execution; sale; or publication, and, if required by the type of process, any replevy or indemnity bonds.	Return to issuing court or agency after execution or attempted execution.	
PS4250-02	CRIMINAL PROCESS	Original and copies of criminal process to be executed or used by a peace officer.		
PS4250-02a	CRIMINAL PROCESS	Arrest warrants, capiases of all types, and witness attachments.	Retain until arrest or attachment is made or process is dismissed or recalled, then return to issuing court.	
PS4250-02b	CRIMINAL PROCESS	Search warrants and inventories of property.	Return to court after use.	
PS4250-02c	CRIMINAL PROCESS	All other criminal process.	Return to issuing court after execution or attempted execution.	
PS4250-03	JURY SUMMONS RECORDS	Jury lists or registers of jurors summoned for service on petit or grand juries.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4250-04	PROCESS LOGS OR DOCKETS	Logs, dockets, or lists of civil and criminal process received and served by a law enforcement agency.	2 years; or if in bound volume, 2 years after last entry.	Retention Note: It is an exception to the retention period given that if a process log maintained by a sheriff or constable doubles as a fee book (see item number PS4300-04), it must be retained for FE + 5 years.

SECTION 2-7: PERMIT RECORDS AND ASSOCIATED DOCUMENTATION

Retention Note: Any record used to document the receipt of money for the issuance of permits in this section must be retained for the applicable retention periods for item number 1025-27 in Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4275-01	ALARM PERMITS			
PS4275-01a	ALARM PERMITS	Applications for burglar and similar intruder alarm permits, copies of permits or other documentation evidencing issuance, and any inspection or evaluation reports prepared during a permit period.	Expiration or revocation of permit + 3 years for granted permits; date of denial + 1 year for denied permits.	
PS4275-01b	ALARM PERMITS	Logs or reports of false alarms.	2 years.	
PS4275-02	BLASTER PERMITS	Applications for blaster permits, copies of permits or other documentation evidencing issuance, and any inspection, evaluation, or follow-up reports, prepared during a permit period. (Applicable to sheriffs in counties over 2,000,000 only.)	Expiration or revocation of permit + 3 years for granted permits; date of denial + 1 year for denied permits.	
PS4275-03	TAXI PERMITS	Applications for taxi permits, copies of permits or other documentation evidencing issuance, and any inspection or evaluation reports prepared during a permit period.	Expiration or revocation of permit + 2 years for granted permits; date of denial + 1 year for denied permits.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4275-04	WRECKER PERMITS			
PS4275-04a	WRECKER PERMITS	Applications for wrecker permits, copies of permits or other documentation evidencing issuance, and any inspection or evaluation reports prepared during a permit period.	Expiration or revocation of permit + 3 years for granted permits; date of denial + 1 year for denied permits.	
PS4275-04b	WRECKER PERMITS	Logbooks or similar records documenting the dispatch and/or towing by authorized wreckers.	1 year.	

SECTION 2-8: FINANCIAL RECORDS

Retention Note: For other financial records relating to law enforcement activities, see Part 2 of Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4300-01	CONTRABAND FORFEITURE FUND DOCUMENTATION	Record of receipts and disbursements to or from funds involving proceeds or property seized and forfeited under Chapter 59, Code of Criminal Procedure.	FE + 5 years.	
PS4300-02	EXPENSE ACCOUNT RECORDS	Documentation of expenses incurred by a sheriff for feeding and lodging jurors, reimbursable mileage for out-county service, housing and feeding of prisoners, conveyance of witnesses, and other expenses permitted by law.	FE + 3 years.	
PS4300-03	EXPENSE AND COLLECTIONS REPORTS	Annual, monthly, or other periodic reports from a sheriff or constable to the commissioners court, the county auditor, or any other county or district official of office expenses incurred or of fines, costs, judgments, claims, and commissions collected for the county.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4300-04	FEE BOOK	Record or account of fees collected by a sheriff or constable for the service of civil and criminal process or for other activities for which the officer can collect fees by law.	FE + 5 years.	
PS4300-05	WORK RELEASE SALARY FUND RECORDS			
PS4300-05a	WORK RELEASE SALARY FUND RECORDS	Ledger of receipts and disbursements into or out of the fund.	FE + 5 years.	
PS4300-05b	WORK RELEASE SALARY FUND RECORDS	Payment records of each inmate participating in a work release program, showing name of inmate, salary received, and deductions allowable by law.	FE + 3 years.	

SECTION 2-9: PERSONNEL AND TRAINING RECORDS

Retention Note: This part supplements and should be used in conjunction with Part 3 of Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4325-01	POLICE ACADEMY RECORDS	(Including both licensed academies and other local government entities under agreement with the Texas Commission on Law Enforcement Officer Standards and Education to provide training.)		Retention Note: It is an exception to the retention periods given in this record group that records documenting the training and educational achievement of employees as described in item number GR1050-28(a) must be retained for date of separation + 5 years for police officers and recruits employed by the local government that operates the police academy or conducts the training program under agreement with the Texas Commission on Law Enforcement Standards and Education.
*PS4325-01a	POLICE ACADEMY RECORDS	Records relating to the administration and conduct of academic and skills training as required by the policies and rules of the Texas Commission on Law Enforcement Officer Standards and Education.	5 years.	By regulation - 37 TAC 215.1(c).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4325-01b	POLICE ACADEMY RECORDS	Copies of inspection and follow-up inspection reports by inspectors of the Texas Commission on Law Enforcement Officer Standards and Education, including notices of non-compliance with commission standards.	5 years.	
*PS4325-01c	POLICE ACADEMY RECORDS	Minutes of meetings of academy advisory boards.	5 years.	By regulation - 37 TAC 215.7(e).
PS4325-02	WEAPONS PROFICIENCY TESTS	Reports of weapons proficiency tests administered to peace officers.	US + 3 years; or date of separation + 1 year, whichever sooner.	
*PS4325-03	RESIGNATION OR TERMINATION, REPORTS OF	Copies of reports from a law enforcement agency to the Texas Commission on Law Enforcement Standards and Education on the resignation or termination of persons from the agency who are licensed by the commission.	Date of separation + 5 years.	By regulation - 37 TAC 217.7 (g). Reporting requirements Texas Occupations Code, Section 1701.451.

SECTION 2-10: MISCELLANEOUS RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4350-01	APPLICATIONS FOR DEPUTIES	Copies of applications submitted by a sheriff or constable to a commissioners court for deputies, assistants, or clerks.	AV.	
PS4350-02	CONVICT LABOR RECORD	Register of convicts hired out to individuals and firms for private work, showing name of convict, offense, amount of fines or costs, to whom hired, details of surety bond, type of labor, rate of pay, date contracted, date discharged, and similar information	PERMANENT.	Obsolete record created by county judges or sheriffs from 1875 to 1925.
PS4350-03	ESTRAY RECORDS	Copies of estray reports, affidavits from owners, reports of injury to or the escape of an estray, notices of impoundment, and reports of sale of estray maintained by sheriffs or constables.	AV after filing of original records with county clerk.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4350-04	GAMBLING DEVICE RECORDS	Documentation on the ownership or transfer of ownership of antique gambling devices furnished to sheriffs pursuant to Penal Code, Section 47.06(d).	PERMANENT, but see retention note.	Retention Note: If a sheriff's department receives notice from the former owner of an antique gambling device that the device has been transferred to a new owner, documentation submitted previously by the former owner concerning the device, including the notice of transfer of ownership, need be retained only as long as administratively valuable and is exempt from the destruction request requirement.
PS4350-05	BINGO LICENSE NOTIFICATIONS	Notifications submitted to sheriff's and municipal police departments by bingo licensees that they have been issued a license to conduct bingo in the law enforcement agency's jurisdiction.	1 year.	

PART 3: RECORDS OF COUNTY MEDICAL EXAMINERS

Retention Note: For other administrative, financial, and personnel records of medical examiners see Local Schedule GR (Records Common to All Governments).

SECTION 3-1: DEATH INVESTIGATION RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4375-01	DEATHS RESULTING FROM TRAFFIC ACCIDENTS, REPORTS OF	Copies of reports of persons killed in traffic accidents submitted to the Texas Department of Public Safety.	AV.	
PS4375-02	INQUEST CASE FILES	Records relating to inquests or death investigations conducted by a medical examiner for the county or for any county in a medical examiner district headed by the examiner. (See also item number PS4375-06.)		

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4375-02a	INQUEST CASE FILES	Investigative reports by medical examiner, pathologists, or investigators; autopsy reports; toxicology, histology, and similar laboratory reports supportive of an autopsy or used as the basis for determining a cause of death; any affidavits taken during investigation; and copies of death certificates.	PERMANENT.	Retention Note: Copies of death certificates need to be kept only as long as administratively valuable if the information on the certificate is included in one or more of the other reports listed.
PS4375-02b	INQUEST CASE FILES	Photographs and tissue slides.	AV.	Retention Note: The retention period of as long as administratively valuable is assigned to inquest-related documentation under (b) and (c) because the value of the various documents and photographs varies greatly depending on the circumstances of the death investigated. For example, the value of case papers arising from the investigation of a death that is subsequently certified as being from natural causes is generally much less than that in which the certification is homicide. In another example, personal property inventories, of minor value in a case in which the decedent died of natural causes and the property has been claimed, are often of crucial importance in a case in which the decedent has not been identified.
*PS4375-02c	INQUEST CASE FILES	Requests and consents for autopsy; funeral home releases; reports of death; copies of cremation certificates; personal effects inventories; reports from law enforcement agencies, physicians, funeral homes, and hospitals; correspondence, subpoenas and other court-issued process; copies of injury reports submitted to the Texas Department of Health; and similar documents relating to an inquest investigation.	AV.	See retention note for PS4375-02b.
PS4375-02d	INQUEST CASE FILES	Notices of and documentation concerning organ removal for transplant purposes.	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4375-03	INQUEST AND/OR AUTOPSY LOGS	Logs or lists of deaths investigated and/or autopsies performed.	PERMANENT.	Retention Note: The requirement that a log or list of deaths investigated by a medical examiner be retained PERMANENTLY may be satisfied by the PERMANENT retention of an index to the inquest case files (see item number PS4375-02a).
PS4375-04	MISSING PERSONS DOCUMENTATION	Reports on missing persons received from law enforcement and other agencies.	AV.	
PS4375-05	MORGUE REGISTERS	Registers or log sheets recording the arrival and removal of bodies from the morgue.	AV.	
PS4375-06	OUT-COUNTY AUTOPSY RECORDS	Originals or copies of reports of autopsies performed for other counties on a fee basis, including any associated photographs, tissue slides, and laboratory reports.	5 years.	

SECTION 3-2: LABORATORY RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4400-01	AUTOPSY AND LABORATORY WORK-UP DOCUMENTATION	Laboratory worksheets, notes, sound recordings, and similar records used for recording instrument readings, personal observations, and similar data in order to compile autopsy and laboratory reports.	AV.	Retention Note: The retention and disposition of work-up documentation should be guided by the same considerations discussed in the retention note to item number PS4375-02(b) in this schedule.
PS4400-02	EQUIPMENT REPAIR AND MAINTENANCE RECORD	Record of maintenance, service, and repair to instruments used to conduct toxicology, histology, and other laboratory tests and procedures.	LA.	
PS4400-03	LABORATORY LOGS	Logs or registers of toxicological, histological, or other laboratory tests and procedures performed.	3 years.	
PS4400-04	QUALITY CONTROL TEST REPORTS OR LOGS	Reports or logs of quality tests run on laboratory equipment used for toxicological, histology, or other laboratory tests and procedures.	3 years.	

SECTION 3-3: MISCELLANEOUS RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4425-01	APPLICATIONS FOR DEPUTIES	Copies of applications to the commissioners court for deputies, assistants, and clerks.	AV.	
PS4425-02	EXPENSE AND COLLECTIONS REPORTS	Annual, monthly, or other periodic reports to a commissioners court or the county auditor of office expenses incurred or of fines, costs, judgments, claims, and commissions collected for the county.	AV.	

PART 4: RECORDS OF FIRE FIGHTING AND EMERGENCY MEDICAL SERVICE AGENCIES

Retention Note: The term “local policy” as used in this part means an ordinance, order, or resolution of the governing body of a local government or an administrative regulation of a fire fighting or emergency medical services department whose authority derives from the ordinance, order, or resolution.

SECTION 4-1: FIRE AND EMERGENCY MEDICAL RESPONSE RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4450-01	ARSON INVESTIGATION RECORDS	Investigative, laboratory, and insurance reports; affidavits; depositions; photographs; and similar records used to determine the cause, origin, and circumstances of fires or other incidents.		
PS4450-01a	ARSON INVESTIGATION RECORDS	Investigations in which it is determined that a fire was not caused by arson.	Date of determination + 5 years.	
PS4450-01b	ARSON INVESTIGATION RECORDS	Investigations in which it is determined that a fire was caused by arson.	Follow retention periods for item numbers PS4125-02 or PS4125-05, as applicable.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4450-02	EMERGENCY MEDICAL SERVICE RUN REPORTS	Emergency ambulance run activity reports, advanced life-support report forms, and similar records pertinent to documenting the condition and treatment of sick or injured persons by emergency medical personnel.		
*PS4450-02a	EMERGENCY MEDICAL SERVICE RUN REPORTS	Treatment rendered.	6 years, 3 months from date service rendered, or until the patient's 20th birthday, whichever later.	
*PS4450-02b	EMERGENCY MEDICAL SERVICE RUN REPORTS	Treatment refused.	2 years.	
PS4450-03	FIRE RECORD	A log, register, consolidated daily or other periodic report, or any other form of record that provides in summary form information on each fire or other incident to which fire or emergency medical personnel have responded, including at a minimum the date, time, location, and nature of the incident.	2 years; or 2 years after last entry if in bound volume.	
PS4450-04	INCIDENT REPORTS	Reports, including those completed on Texfirs or other incident reporting system forms, of each fire or other incident to which a fire fighting or other fire agency unit has responded, detailing the type of incident, units responding, action taken, equipment used, and other pertinent data.	5 years.	

SECTION 4-2: FIRE PREVENTION AND INSPECTION RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4475-01	ALARM PERMITS AND ASSOCIATED DOCUMENTATION			
PS4475-01a	ALARM PERMITS AND ASSOCIATED DOCUMENTATION	Installation certificates for fire detection and fire alarm devices or systems filed with fire agencies.	Life of device or system.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*PS4475-01b	ALARM PERMITS AND ASSOCIATED DOCUMENTATION	Applications for fire detection and alarm permits and copies of permits or other documentation evidencing issuance.	Expiration or revocation of permit + 3 years for granted permits; date of denial + 1 year for denied permits.	
*PS4475-01c	ALARM PERMITS AND ASSOCIATED DOCUMENTATION	Inspection or evaluation reports prepared during a permit period, if permits are required by local policy.	3 years.	
PS4475-02	AUTOMATIC SPRINKLER SYSTEM PERMITS AND ASSOCIATED DOCUMENTATION			
PS4475-02a	AUTOMATIC SPRINKLER SYSTEM PERMITS AND ASSOCIATED DOCUMENTATION	Automatic sprinkler material and test certificates filed with fire agencies.	Life of system.	
*PS4475-02b	AUTOMATIC SPRINKLER SYSTEM PERMITS AND ASSOCIATED DOCUMENTATION	Applications for automatic sprinkler system permits, copies of permits or other documentation evidencing issuance.	Expiration or revocation of permit + 3 years for granted permits; date of denial + 1 year for denied permits.	
*PS4475-02c	AUTOMATIC SPRINKLER SYSTEM PERMITS AND ASSOCIATED DOCUMENTATION	Inspection or evaluation reports prepared during a permit period, if permits are required by local policy.	3 years.	
PS4475-03	CERTIFICATES OF OCCUPANCY	Copies of certificates of occupancy or record of their issuance used to certify final approval for the occupancy of new structures or old structures that have been remodeled to the extent that a certificate of occupancy is required by local policy.	AV, but see retention note.	Retention Note: In a municipality or in any other local government that has authority to certify occupancy, certificates of occupancy must be retained in accordance with item number PW5250-06, if it is the fire agency rather than a building inspection, planning, or other department that issues the official certificate of occupancy or its equivalent.
PS4475-04	COMPLAINTS	Complaints regarding possible violations of the fire code or potential fire hazards.	Resolution of the complaint + 3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4475-05	CONTROLLED BURN RECORDS	Applications for permits for controlled burning and copies of or comparable record of permits issued.	1 year.	
PS4475-06	DRILL AND SIMULATION RECORDS	Reports and related documentation of drills, simulations, and triage exercises conducted or participated in by fire, emergency medical, or emergency communications personnel.	5 years.	
PS4475-07	HAZARDOUS MATERIALS RECORDS			
PS4475-07a	HAZARDOUS MATERIALS RECORDS	Lists of names of representatives of employers and manufacturing employers knowledgeable about hazardous chemicals used or stored, facility and workplace chemical lists, and material safety data sheets (MSDS) submitted to fire chiefs under authority of Health and Safety Code, Title 6, Subtitle D.	US.	Retention Note: When it is known with reasonable certainty that an employer or manufacturing employer has ceased business and that hazardous chemicals have been removed from the place of former business, the records listed in (a) may be disposed.
PS4475-07b	HAZARDOUS MATERIALS RECORDS	Applications, copies of permits or documentation evidencing issuance, and pertinent supplemental documentation relating to the issuance of permits for the sale, use, storage, manufacture, or transport of flammable, corrosive, explosive, or other hazardous materials and chemicals as may be required by local policy.	Expiration or revocation of permit + 3 years for granted permits; 1 year for denied permits.	
PS4475-08	INSPECTION REPORTS AND LOGS	Documentation concerning the inspection of structures and other property by fire agency personnel for fire hazards, conformity with codes and regulations, and for such other reasons permitted by state law or local policy.		
PS4475-08a	INSPECTION REPORTS AND LOGS	Inspection reports of commercial, mercantile, and industrial structures; day care centers and foster homes; hospitals and nursing homes; schools; and other structures or property whose periodic inspection is required by state law or local policy.	US + 3 years, but see retention note.	Retention Note: If a master record is not maintained, then the inspection reports must be maintained for the life of the structure.
PS4475-08b	INSPECTION REPORTS AND LOGS	Inspection reports on an as-needed basis of any structure or property whose periodic inspection is not required by state law or local policy.	3 years.	
PS4475-08c	INSPECTION REPORTS AND LOGS	Inspection reports of private residences done as part of fire prevention and safety programs.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4475-08d	INSPECTION REPORTS AND LOGS	Logs or similar records, arranged by date, address, or name of inspector, listing inspections carried out by the agency.	3 years.	
PS4475-08e	INSPECTION REPORTS AND LOGS	Master card or comparable record on each structure described in (a) providing the location and description of the property and containing summary data on inspections and code violations.	Life of structure.	Retention Note: If a master record is not maintained, then the inspection reports described in (a) must be maintained for the life of the structure.
PS4475-09	NOTIFICATION OF VIOLATIONS RECORDS			
PS4475-09a	NOTIFICATION OF VIOLATIONS RECORDS	Copies of notifications sent or given to the owner, agent, or occupant of a structure or property to correct a violation found during an inspection, including documentation verifying that the violation has been corrected.	Verification of correction + 3 years.	Retention Note: Verification of correction means the date of a follow-up inspection or the receipt of documentation, sufficient in terms of local policy, showing proof of correction.
PS4475-09b	NOTIFICATION OF VIOLATIONS RECORDS	Records relating to the certification of a structure as substandard.	Verification that structure has been brought up to code + 3 years or until demolition + 3 years, as applicable.	
PS4475-10	PLAN REVIEW RECORDS	Documentation relating to the review of construction plans by fire agency personnel as may be required by local policy.	AV.	
PS4475-11	PRE-FIRE PLANNING RECORDS	Planning and survey reports, building plans, and similar records of individual structures or building complexes used to plan fire fighting strategies.	US or AV, as applicable.	

SECTION 4-3: APPARATUS AND EQUIPMENT RECORDS

Retention Note: For aircraft and vehicle maintenance records see Section 1-2 of this schedule.

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4500-01	ALARM AND HYDRANT RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4500-01a	ALARM AND HYDRANT RECORDS	Reports on the inspection, test, and maintenance of agency alarm and alarm boxes (including private alarms linked to department master systems) and of fire hydrants.	US + 3 years.	
PS4500-01b	ALARM AND HYDRANT RECORDS	Inventories of alarms and hydrants, showing location, type of equipment, etc.	US.	
PS4500-02	BREATHING APPARATUS INSPECTION RECORDS	Reports, as required by the Texas Commission on Fire Protection, of the inspection and testing of self-contained breathing apparatus, including reports of all tests required by the commission.	3 years.	By regulation - 37 TAC 435.3(4).
PS4500-03	PROTECTIVE CLOTHING RECORDS			
PS4500-03a	PROTECTIVE CLOTHING RECORDS	Daily or other periodic reports on the inspection of protective clothing.	3 years.	
PS4500-03b	PROTECTIVE CLOTHING RECORDS	Inventories of protective clothing.	US.	
PS4500-04	TEXAS COMMISSION ON FIRE PROTECTION RECORDS	Copies of inspection and follow-up inspection reports by inspectors of the Texas Commission on Fire Protection, including notices of non-compliance with commission standards.	5 years.	

SECTION 4-4: TRAINING RECORDS

Retention Note: This part supplements and should be used in conjunction with Part 3 of Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	REMARKS
PS4525-01	EMERGENCY MEDICAL SERVICE TRAINING RECORDS	Records relating to the training (including continuing education) of emergency medical personnel sufficient to document who was trained and when, in what subject, and by whom; scores received in academic achievement and performance tests (including copies of all written tests), and similar records of the training and achievement of individual students.	5 years.	Retention Note: It is an exception to the retention periods given in this record group that records documenting the training and educational achievement of employees as described in item number GR1050-28(a) must be retained for date of separation + 5 years for emergency medical personnel employed by the local government that conducts the training.

Record Number	Record Title	Record Description	Retention Period	REMARKS
PS4525-02	FIREFIGHTER RECRUIT TRAINING FACILITY RECORDS	Records relating to recruit training, certified by the Texas Commission on Fire Protection, for structural fire, aircraft crash, and rescue personnel sufficient to document who was trained and when, in what subject, and by whom; scores received in academic achievement and performance tests (including copies of all written tests); and similar records of the training and achievement of individual students.	3 years.	By regulation - 37 TAC 427.13(b). Retention Note: It is an exception to the retention periods given in this record group that records documenting the training and educational achievement of employees as described in item number GR1050-28(a) must be retained for date of separation + 5 years for fire personnel employed by the local government that operates the training facility.

SECTION 4-5: MISCELLANEOUS RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4550-01	COUNTY FIRE MARSHAL EXPENSE AND COLLECTIONS REPORTS	Annual, monthly, or other periodic reports to the commissioners court or the county auditor of office expenses incurred or of fines, costs, judgments, claims, and commissions collected for the county.	AV.	

PART 5: RECORDS OF COMMUNITY SUPERVISION AND CORRECTIONS (ADULT PROBATION) DEPARTMENTS

Retention Note: For administrative, financial, and personnel records of community supervision and corrections departments see Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS4575-01	CASE RECORDS	Case record on each probationer under the direct or indirect supervision of a community supervision and corrections department documenting all significant actions, decisions, and services rendered, including assessment reports, medical and psychological information, case classification forms, supervision plans, periodic evaluations, pre sentence investigation reports (PSIR), criminal history records, court orders, correspondence, and similar records relating to the supervision of the probationer.	Date direct or indirect supervision of the probationer ends + 3 years.	
PS4575-02	CASELOAD RECORDS	Records documenting the distribution of cases among probation officers, including monthly workload summaries	3 years.	

PART 6: RECORDS OF COUNTY, DISTRICT, AND CRIMINAL DISTRICT ATTORNEYS

Retention Notes: a) Attorneys for local governments other than counties should use Local Schedule GR (Records Common to All Governments) for scheduling records.

b) Do not confuse records series in this part with case papers, dockets, and minutes maintained by court clerks.

SECTION 6-1: CASE RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
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Record Number	Record Title	Record Description	Retention Period	Remarks
PS2575-01	CASE FILES AND WORKING PAPERS	Closed and pending case files and working papers, including all documents, papers, correspondence, reports, briefs, notes, drafts, photographs, video and sound recordings, and similar records relating to criminal or civil cases, proceedings, actions, or investigations to which the attorney is a party on behalf of the county or the state.	AV after final disposition.	<p>Retention Notes:</p> <p>a) The term “final disposition” in the retention period for this record has the following meanings:</p> <p>1) For unadjudicated matters - Date decision made not to proceed further with the matter in question.</p> <p>2) For any case dismissed for want of prosecution, on the motion of the plaintiff or the state, or for other reasons within the power of a court - Effective date of dismissal.</p> <p>3) Civil cases - Date judgment signed in a court; or if new trial or further proceedings granted on motion or mandated on appeal, date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed, modified, or rendered as it should have been rendered, or appeal dismissed, date mandate or notice of dismissal received from appeals court.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
PS2575-01 (continued)	CASE FILES AND WORKING PAPERS			<p>4) Criminal cases - Date judgment signed in a court; or if new trial or further proceedings granted on motion or mandated by reversal on appeal, date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed or judgment of acquittal issued or appeal dismissed, date mandate or notice of dismissal received from appeals court.</p> <p>b) Prior to disposal, case and working papers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained PERMANENTLY.</p>
PS2575-02	CIVIL DOCKET OR CASE LOG	Docket or log of civil cases brought or defended by the attorney.	AV.	
PS2575-03	COURT DOCKET OR CASE LOG	Docket or log of civil and criminal cases, a combination form of item numbers PS2575-02 and PS2575-04.	AV.	
PS2575-04	CRIMINAL DOCKET OR CASE LOG	Docket or log of criminal cases prosecuted by the attorney.	AV.	
PS2575-05	DELINQUENT TAX NOTICES	Copies of notices of delinquent property sent to property owners by the county tax assessor-collector and used by the attorney as the basis for tax suits.		
PS2575-05a	DELINQUENT TAX NOTICES	Notices dated 1979 or earlier.	Destroy at option.	
PS2575-05b	DELINQUENT TAX NOTICES	Notices dated 1980 and after.	Follow retention period for item number 2575-01.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*PS2575-06	GRAND JURY DOCKET OR MINUTES	Minutes or record of proceedings before a grand jury. 1) If not a copy of the grand jury docket in the possession of the county clerk. 2) If a copy of the grand jury docket in the possession of the district clerk.	10 years. AV.	Retention Note: Review before disposal; some records may merit PERMANENT retention for historical reasons.
PS2575-07	JAIL POPULATION REPORTS	Monthly reports submitted by the sheriff showing the names of all inmates housed in the county jail.	AV.	
PS2575-08	LEGAL OPINIONS	Formal legal opinions rendered by the attorney to a county or precinct officer.	PERMANENT.	Retention Note: For retention of informal legal opinions and other correspondence provided by counsel see GR1000-26a.
PS2575-09	MEDICAL EXAMINER RECORDS	Reports and copies of autopsy findings and other records of death investigations conducted by medical examiners and filed with the attorney.	Follow retention period for item number 2575-01.	
PS2575-10	REGISTER OF OFFICIAL ACTS	Register of all official acts as required by Section 41.008, Government Code.	AV.	
PS2575-11	WIRE AND ORAL COMMUNICATIONS INTERCEPTIONS, ANNUAL REPORTS OF	Copies of annual reports submitted by the Attorney to the Administrative Office of the United States Courts and the Director of the Texas Department of Public Safety on activities relating to wire and oral communications interceptions.	AV.	

SECTION 6-2: ADMINISTRATIVE AND FINANCIAL RECORDS

Retention Note: For personnel and other administrative and financial records of county and district attorneys see Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PS2600-01	APPLICATIONS FOR DEPUTIES	Copies of applications to the commissioners court for deputies, assistants, and clerks.	AV.	
PS2600-02	ATTORNEY GENERAL, REPORT TO	Copies of periodic or special reports to the Attorney General on such matters as the Attorney General may require.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PS2600-03	CONTRABAND FORFEITURE FUND DOCUMENTATION	Record of receipts and disbursements to or from proceeds or property seized and forfeited under Chapter 59, Code of Criminal Procedure.	FE + 5 years.	
PS2600-04	EXPENSE AND COLLECTIONS REPORTS	Annual, monthly, or other periodic reports to the commissioners court, the county auditor, the district clerk, or the State Comptroller of office expenses incurred or of fines, costs, judgments, claims, and commissions collected for the county or the state.	AV.	
PS2600-05	HOT CHECK FUND DOCUMENTATION	Record of receipts and disbursements to or from a fund established under Code of Criminal Procedure, art. 102.007, relating to fees for collecting and processing sight orders.	FE + 5 years.	

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TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE PW (Second Edition)

RETENTION SCHEDULE FOR RECORDS OF PUBLIC WORKS AND OTHER GOVERNMENT SERVICES

This schedule establishes mandatory minimum retention periods for records that are associated with public works and other government services. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period. This includes electronic mail (e-mail), websites, and electronic publications.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the Director and Librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

The use of an asterisk in this second edition of Local Schedule PW indicates that the record is either new to this edition, the retention period for the record has been changed, or substantive amendments have been made to the description or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable

CE - Calendar year end

CFR - Code of Federal Regulations

FE - Fiscal year end

TAC - Texas Administrative Code

US - Until superseded

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PART 1: GENERAL RECORDS

Retention Note: This schedule establishes retention periods for records found in various public works and services departments of local governments or for records kept by certain local government officers (e.g., veterans service officers) or local governments (e.g., soil and water conservation districts). For other administrative, fiscal, personnel, or support service records that may be found in these departments or governments, see Local Schedule GR (Records Common to All Local Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5200-01	PUBLIC WORKS AND SERVICES PLANNING STUDIES AND REPORTS	Feasibility studies, reports, analyses, projections, graphic material, and similar planning documents by outside consultants or in-house staff relating to comprehensive planning, capital improvements, land use and open space, economic development and outlook, neighborhood and housing renewal and renovation, regional and intergovernmental cooperation, transportation, traffic engineering, transit systems, airport operations, growth patterns, demographics, long-range forecasts and projections, and other aspects of local government planning <i>not</i> listed elsewhere in this schedule.		
PW5200-01a	PUBLIC WORKS AND SERVICES PLANNING STUDIES AND REPORTS	Special planning studies or reports prepared by order or request of the governing body or considered by the governing body (as reflected in its minutes) or ordered or requested by a state or federal agency or a court.	PERMANENT.	
PW5200-01b	PUBLIC WORKS AND SERVICES PLANNING STUDIES AND REPORTS	All other planning reports or studies.	5 years.	Retention Note: Review before disposal; developed comprehensive and capital improvements plans and other records of this type may merit PERMANENT or long term retention for administrative or historical reasons. See also item number GR1000-39 in Local Schedule GR.
PW5200-02	SERVICE REQUESTS/WORK ORDERS	Service requests and work orders to be performed by public works and services personnel except for work orders noted elsewhere in this schedule.	2 years.	

PART 2: PLANNING AND ZONING RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5225-01	ZONING/PLANNING BOARD CASE FILES	Staff reports, determinations and evaluations, correspondence, and comparable records concerning each planning, zoning, building code, or other public works-related case brought before local government zoning, planning, or development commissions or appeal bodies; or before other special or ad hoc committees constituted for similar purposes.	Disposition of case + 5 years.	<p>Retention Notes: a) The minutes of the various commissions must be retained PERMANENTLY in accordance with item number GR1000-03 in Local Schedule GR. In any action by these commissions involving real property, the minutes must identify the property which the action affects. If the minutes do not identify the property, documents referenced in the minutes that do provide such identification must be retained PERMANENTLY.</p> <p>b) Review before disposal; some case files may merit PERMANENT retention for historical reasons.</p>
*PW5225-02	ZONING MAPS AND PLATS		PERMANENT.	
PW5225-03	ZONING PERMIT RECORDS			
PW5225-03a	ZONING PERMIT RECORDS	Applications for zoning permits or variances.	5 years.	
PW5225-03b	ZONING PERMIT RECORDS	Copies of zoning permits or variances or a log or other form of record evidencing their issuance, showing to whom the permit or variance was issued, the property to which it applies, and the zoning classification.	PERMANENT.	
PW5225-04	ZONING VIOLATIONS RECORDS	Records relating to violations of local zoning ordinances, including documents verifying that the violation has ceased or been corrected.		
PW5225-04a	ZONING VIOLATIONS RECORDS	Alleged, but unfounded.	1 year after determination that zoning ordinances have not been violated.	
PW5225-04b	ZONING VIOLATIONS RECORDS	Violations.	Verification of correction of violation + 3 years.	

PART 3: BUILDING PERMIT AND INSPECTION RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5250-01	BLUEPRINTS AND SPECIFICATIONS	Blueprints and specifications submitted by building contractors or property owners when applying for building permits and as-builts submitted for issuance of certificates of occupancy.		

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5250-01a	BLUEPRINTS AND SPECIFICATIONS	For commercial and non-residential building permits or certificates of occupancy.	Life of structure + 3 years, but see retention notes.	<p>Retention Notes: a) If submission of as-builts is required before the issuance of a certificate of occupancy, the retention period applies only to the as-builts, and previously submitted blueprints and specifications need be retained only as long as administratively valuable.</p> <p>b) If a structure is remodeled, and new blueprints and specifications and/or as-builts are submitted [see retention note (a)], superseded documentation of the type described need be kept only as long as administratively valuable.</p> <p>c) For records of the types described for buildings or structures owned by the local government that issues the building permit, see item number GR1075-16 in Local Schedule GR.</p> <p>d) For commercial and non-residential buildings that have received local, state, or national designations as historic properties, see item number PW5250-01d in Local Schedule PW.</p> <p>e) Review before disposal; blueprints and/or as-builts of some structures may merit PERMANENT retention for historical reasons.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5250-01b	BLUEPRINTS AND SPECIFICATIONS	For residential building permits or certificates of occupancy.	AV.	<p>Retention Notes: a) Review before disposal; blueprints and specifications of some structures may merit PERMANENT retention for historical reasons.</p> <p>b) For residential buildings that have received local, state, or national designations as historic properties, see item number PW5250-01d in Local Schedule PW.</p>
*PW5250-01c	BLUEPRINTS AND SPECIFICATIONS	For miscellaneous permits (see item number PW5250-10).	AV.	<p>Retention Notes: a) Review before disposal; blueprints and specifications of some structures may merit PERMANENT retention for historical reasons.</p> <p>b) For miscellaneous structures that have received local, state, or national designations as historic properties, see PW5250-01d.</p>
*PW5250-01d	BLUEPRINTS AND SPECIFICATIONS	For commercial, non-residential, residential, and miscellaneous permits or certificates of occupancy on structures that have received local, state, or national historical property designation.	PERMANENT.	
PW5250-02	BUILDING CODE VIOLATIONS RECORDS	Records relating to violations of local building codes or ordinances, including documents verifying that the violation has been corrected.		
PW5250-02a	BUILDING CODE VIOLATIONS RECORDS	Alleged, but unfounded.	1 year after determination that building regulations have not been violated.	
PW5250-02b	BUILDING CODE VIOLATIONS RECORDS	Violations.	Verification of correction + 3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5250-03	BUILDING MASTER RECORD	Master record of each commercial, non-residential, and residential structure detailing a history of permits issued for construction or alteration, certificates of occupancy issued, inspections carried out, code violations found, and similar information.	PERMANENT.	
PW5250-04	BUILDING PERMIT APPLICATIONS	Applications from property owners or contractors to erect new structures or to make alterations to existing structures.		
PW5250-04a	BUILDING PERMIT APPLICATIONS	Applications for which permit granted.	5 years; or, if property subject to issuance of certificate of occupancy, date of issuance of the certificate + 5 years.	
PW5250-04b	BUILDING PERMIT APPLICATIONS	Applications for which permit <i>not</i> granted.	1 year.	
PW5250-05	BUILDING PERMIT LOGS	Logs, registers, or similar records providing a listing of building permits and certificates of occupancy issued.		
PW5250-05a	BUILDING PERMIT LOGS	If a Building Master Record (PW5250-03) <i>is</i> maintained.	AV	
PW5250-05b	BUILDING PERMIT LOGS	If a Building Master Record (PW5250-03) <i>is not</i> maintained.	PERMANENT.	
PW5250-06	BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY			
PW5250-06a	BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY	Copies of issued building permits and certificates of occupancy if a Building Permit Log (PW5250-05b) or a Building Master Record (PW5250-03) <i>is not</i> maintained.	PERMANENT.	
PW5250-06b	BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY	Copies of issued building permits and certificates of occupancy if a Building Permit Log (PW5250-05b) or a Building Master Record (PW5250-03) <i>is</i> maintained.	AV after entry of evidence of issuance in log or record.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5250-07	BUILDING TRADES OCCUPATIONAL LICENSING RECORDS	Applications, examinations, references, performance bonds, copies of licenses or permits or record of their issuance, and similar records relating to the issuance of occupational licenses to construction contractors and other members of the building trades, including electricians, plumbers, carpenters, welders, etc.	Expiration, cancellation, revocation, or denial of the license + 3 years.	
PW5250-08	INSPECTION REPORTS	Reports of inspections carried out with reference to new construction; alterations to existing structures; code violations; and other projects, activities, or situations requiring inspection by local ordinance, <i>excluding</i> those reports that are made part of any other record group noted elsewhere in this part.	3 years.	
*PW5250-09	DEMOLITION RECORDS	Records relating to the demolition and clearance of buildings deemed unfit for occupancy and condemned, including demolition orders, inspection reports, notices to property owners, and any related court documents.	Date of demolition + 3 years.	Retention Note: Review before disposal; some documentation of this type may merit PERMANENT retention for historic or legal reasons. See litigation note in Introduction, page 2, of Local Schedule GR.
PW5250-10	MISCELLANEOUS APPLICATIONS AND PERMITS	Applications for and copies of permits (or records of their issuance) involving sign installation, fencing, swimming pool construction, driveway construction, and for similar activities as might be required by local ordinance that are <i>not</i> , by ordinance or departmental policy, classified as building applications or permits under item numbers PW5250-04 or PW5250-06.		
PW5250-10a	MISCELLANEOUS APPLICATIONS AND PERMITS	Granted permits.	5 years.	
PW5250-10b	MISCELLANEOUS APPLICATIONS AND PERMITS	Denied permits.	1 year.	
PW5250-11	REPORTS OF BUILDING PERMITS ISSUED	Monthly and annual reports prepared for the U.S. Bureau of the Census on the number of commercial and residential building starts and local public construction.		
PW5250-11a	REPORTS OF BUILDING PERMITS ISSUED	Annual.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5250-11b	REPORTS OF BUILDING PERMITS ISSUED	Monthly.	3 years.	

PART 4: PUBLIC TRANSPORTATION AND ENGINEERING RECORDS

SECTION 4-1: ROAD AND STREET MAINTENANCE AND REPAIR RECORDS

Retention Note: For road and street construction records, see item number 1075-16 in Local Schedule GR (Records Common to All Local Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5275-01	INSPECTION REPORTS	Reports of inspection of roads, streets, bridges, street lights, sidewalks, rights-of-way, etc.		
PW5275-01a	INSPECTION REPORTS	Roads, streets, street lights, sidewalks, rights-of-way, etc.	3 years.	
PW5275-01b	INSPECTION REPORTS	Bridges and overpasses.	Life of structure.	
PW5275-02	MAPS AND PLATS	Maps, plats, engineering and field notes, and profiles and cross-sections of roads, streets, rights of way, bridges, etc.	PERMANENT.	
PW5275-03	PERMITS	Applications for and copies of permits (or records of their issuance) for excavation and fill; alterations to roads, streets, sidewalks, and curbs; and for similar activities involving alteration of streets and rights of way.		
PW5275-03a	PERMITS	Granted applications and permits.	5 years.	
PW5275-03b	PERMITS	Denied applications and permits.	1 year.	
*PW5275-04	SERVICE AND REPAIR REQUESTS	Complaints from the public or from other local government departments on street hazards, potholes, other needed repairs on roads, streets, and rights-of-way and requests for traffic signs, lights, changes to traffic flow, etc.	3 years.	
PW5275-05	STREET CLEANING RECORDS	Reports, logs, or similar records documenting street cleaning operations.	1 year.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5275-06	STREET NAME AND HOUSE NUMBER FILES	Records relating to street dedications, street closings, the assignment and alteration of street names and house numbers, and similar records that provide official control of the naming and numbering of streets and roads.	PERMANENT.	
PW5275-07	ROAD AND STREET MAINTENANCE RECORDS	Reports, logs, or similar records, compiled on a daily, weekly, and/or monthly basis documenting repair and maintenance work on the following:		
PW5275-07a	ROAD AND STREET MAINTENANCE RECORDS	Roads, streets, street lights, sidewalks, rights-of-way, etc.	3 years.	
PW5275-07b	ROAD AND STREET MAINTENANCE RECORDS	Bridges and overpasses.	Life of structure.	
PW5275-08	ROAD AND STREET MASTER RECORD	Master record in some form of every road and street providing a description, history, and classification of each.	PERMANENT.	By law - Civil Statutes, art. 6812b(3) for county engineers in counties with a population of 198,000 to 400,000; Civil Statutes, art. 6812b-1(2) for county engineers in counties with a population of 160,000 to 185,000; and by authority of this schedule for municipalities and all other counties.
*PW5275-09	ROAD MASTER PLANS	Planning survey of all existing roads and projected improvements and additions to county road systems developed by county engineers in certain counties.	PERMANENT.	By law - Civil Statutes, art. 6812b(7) for county engineers in counties with a population of 198,000 to 400,000 and Civil Statutes, art. 6812b-1(4) for county engineers in counties with a population of 160,000 to 185,000; and by authority of this schedule for municipalities and all other counties.
*PW5275-10	TREE AND PLANT FILES	Records relating to the planting, trimming, inspection, and removal of trees and shrubs along public streets, roads, and sidewalks.	3 years.	

SECTION 4-2: TRAFFIC ENGINEERING RECORDS

Retention Note: This part supplements and should be used in conjunction with Part 3 of Local Schedule GR (Records Common to All Governments).

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5300-01	ACCIDENT REPORTS	Reports, usually supplied by the police department, of traffic accidents used to monitor, redevelop, or redesign streets, intersections, speed limits, signal timing, directional flow patterns, etc.	AV.	
PW5300-02	SPECIAL EVENTS FILES	Reports, notifications, planning documents, and similar records used in the preparation for special events such as parades, motorcades, demonstrations, or situations resulting in unusually heavy traffic or street use requiring street closures, traffic rerouting, barricades, signal timing changes, etc.	2 years.	
*PW5300-03	TRAFFIC COUNT REPORTS	Reports of traffic passage on streets, roads, bridges, intersections, etc. or use of local government-owned parking lots or structures.	10 years.	Retention Note: If Traffic Count Report is used for special planning studies or reports, see item number PW5200-01a.
PW5300-04	TRAFFIC DEVICE INSTALLATION AND MAINTENANCE RECORDS	Reports, logs, or similar records documenting the following:		
PW5300-04a	TRAFFIC DEVICE INSTALLATION AND MAINTENANCE RECORDS	Installation, inspection, testing, maintenance, repair, or replacement of traffic signs, signals, and signal boxes.	5 years.	
PW5300-04b	TRAFFIC DEVICE INSTALLATION AND MAINTENANCE RECORDS	Painting, inspection, or repainting of pavement and curb markings.	2 years.	
PW5300-05	TRAFFIC PERMITS	Applications for and copies of permits for special parking, house moving, over-dimensional movements, and similar permits and permissions issued by or that concern traffic engineering departments.	Expiration, cancellation, revocation, or denial of the permit + 2 years.	
PW5300-06	TRAFFIC SIGNAL RECORDS	Drawings, wiring diagrams, code and circuit numbers, and similar data on traffic signal components.	Life of signal component.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5300-07	TRAFFIC SIGNS AND SIGNALS INVENTORY RECORDS	Registers, index cards, or similar records providing an inventory of all installed traffic signs and signals showing type of equipment or sign, location, date of installation, and similar data.		
PW5300-07a	TRAFFIC SIGNS AND SIGNALS INVENTORY RECORDS	If a complete inventory is periodically revised and reprinted.	Until Superseded + 1 year.	
PW5300-07b	TRAFFIC SIGNS AND SIGNALS INVENTORY RECORDS	If an inventory is maintained on cards, databases, or similar medium that permits purging.	PERMANENT, but purge records relating to junked signs and signals.	

SECTION 4-3: PARKING CONTROL RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5325-01	PARKING DEVICE INSPECTION RECORDS	Reports, logs, or similar records on the inspection, testing, maintenance, and repair of meters, toll gates, or other parking control devices.	2 years.	
PW5325-02	PARKING DEVICE INVENTORY RECORDS	Registers, index cards, or similar records providing an inventory of meters, toll gates, or other parking control devices showing location, type of equipment, date of installation, and similar data.		
PW5325-02a	PARKING DEVICE INVENTORY RECORDS	If a complete inventory is periodically revised and reprinted.	Until Superseded + 1 year.	
PW5325-02b	PARKING DEVICE INVENTORY RECORDS	If an inventory is maintained on cards, databases, or similar medium that permits purging.	PERMANENT, but purge records relating to junked signs.	

SECTION 4-4: TRANSIT SYSTEM RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5350-01	OPERATIONS REPORTS	Periodic reports on usage of rapid transit services.		
PW5350-01a	OPERATIONS REPORTS	Annual reports.	PERMANENT.	
PW5350-01b	OPERATIONS REPORTS	Monthly reports.	3 years.	
PW5350-01c	OPERATIONS REPORTS	Daily or weekly reports.	1 year.	
PW5350-02	VEHICLE HISTORY AND MAINTENANCE RECORDS			
PW5350-02a	VEHICLE HISTORY AND MAINTENANCE RECORDS	Master record on each transit vehicle containing the following: complete description including identification and license numbers; title and registration papers; annual beginning and ending odometer readings; total annual fuel, maintenance, labor, and parts costs; and complete maintenance and inspection history (in summary form showing date and nature of inspection, service, and repair).	Life of asset.	<p>Retention Notes: a) This schedule does not require the creation of a vehicle master record of the type described, but if a vehicle master record is not maintained, records containing the prescribed information must be retained for the life of the vehicle. For example, if work orders in PW5350b are the only record maintained of repairs to transit vehicles, they must be retained for the life of the vehicle.</p> <p>b) If a transit vehicle is salvaged as the result of an accident, the vehicle master record or, if one is not created, documents providing the types of information prescribed, must be retained for LA + 3 years.</p> <p>c) If a transit vehicle is sold or given to another transit authority or department for use as a transit vehicle, the vehicle master record may be transferred with the vehicle.</p>
PW5350-02b	VEHICLE HISTORY AND MAINTENANCE RECORDS	Service requests/work orders.	3 years.	
PW5350-02c	VEHICLE HISTORY AND MAINTENANCE RECORDS	Daily or other periodic activity reports on fuel and oil consumption, odometer readings, etc. from which data is derived for operating cost reports and the vehicle master record.	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5350-02d	VEHICLE HISTORY AND MAINTENANCE RECORDS	Daily or other periodic inspection reports of vehicles.	3 years.	
PW5350-02e	VEHICLE HISTORY AND MAINTENANCE RECORDS	Specifications, circuit diagrams, and similar documents relating to vehicles and their related apparatuses.	Life of asset.	

SECTION 4-5: AIRPORT RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5375-01	AIRFIELD INCIDENT FILES	Records of accidents or incidents occurring on the movement areas and involving air carrier aircraft and/or ground vehicles.	5 years.	Retention Note: Review before disposal; some documentation of this type may merit PERMANENT or long-term retention for historical or legal reasons.
PW5375-02	AIRSIDE REPORT/AIRFIELD LOG	Materials documenting the activity of a work shift including conditions or events that would adversely affect airport operations.	2 years.	Retention Note: Review before disposal; some documentation of this type may merit PERMANENT or long-term retention for historical or legal reasons.
PW5375-03	CARRIER RECORDS	Informational materials such as copies of airline schedules, brochures, advertising materials, and correspondence from the U. S. Department of Transportation approving carrier routes.	AV.	
PW5375-04	CERTIFICATION MANUAL	Manual specifying procedures, facilities and equipment descriptions, responsibility assignments, and any other information needed by personnel concerned with operating the airport in order to comply with Federal Aviation Authority (FAA) standards for airport operations.	Until superseded.	By regulation - 14 CFR 139.207(b). Retention Note: Review before disposal; some documentation of this type may merit PERMANENT or long-term retention for historical or legal reasons.
PW5375-05	COMMUNICATION TAPES	Daily recording of all phone lines and radios.	30 days.	
*PW5375-06	EMERGENCY PLANNING RECORDS	Procedures, instructions, and other records maintained to minimize the possibility and extent of personal injury and property damage on the airport in an emergency.	Until superseded + 2 years.	By regulation - 14 CFR 139.325(g)(4).
PW5375-07	FOREIGN TRADE ZONE (FTZ) RECORDS			

Record Number	Record Title	Record Description	Retention Period	Remarks
* PW5375-07a	FOREIGN TRADE ZONE (FTZ) RECORDS	FTZ company operation records.	5 years after deactivation from FTZ.	By regulation – 19 CFR 146.4(d).
PW5375-07b	FOREIGN TRADE ZONE (FTZ) RECORDS	FTZ tenants.	Until superseded.	
PW5375-08	MAINTENANCE AND INSPECTION RECORDS			
PW5375-08a	MAINTENANCE AND INSPECTION RECORDS	Non-federal navigation facility reports - Record of meter readings and adjustments, facility maintenance log, radio equipment operation record, ground check error data, facility equipment performance and adjustment data, technical performance report, and similar documentation relating to local government-owned and operated navigational facilities such as VOR facilities, nondirectional radio beacons, instrument landing systems, simplified directional facilities, distance measuring equipment, VHF marker beacons, interim standard microwave landing systems, and microwave landing systems.	PERMANENT.	By regulation - 14 CFR 171.13(a-e), 171.33(a-c), 171.53(a-c), 171.117(a-c), 171.163(a-c), 171.213(a-c), 171.275(a-c), and 171.327(a-c).
PW5375-08b	MAINTENANCE AND INSPECTION RECORDS	Runway maintenance records - Logs, reports, and similar records relating to the inspection, maintenance, and repair of runways, runway lights, beacons, and other such ground or device maintenance records directly related to the landing and taking off of aircraft, <i>except</i> those included in directional facility records.	10 years.	
*PW5375-08c	MAINTENANCE AND INSPECTION RECORDS	Safety self-inspections - Daily, or as otherwise required by the airport certification manual or airport certification specifications, reports of safety self-inspections of airport conditions in specific locations showing the conditions found and all corrective actions taken.	1 year.	By regulation - 14 CFR 139.327(c).
PW5375-08d	MAINTENANCE AND INSPECTION RECORDS	Tenant inspections - Materials documenting inspections of the physical facilities of each airport tenant fueling agent.	1 year.	By regulation - 14 CFR 139.321(d).
PW5375-08e	MAINTENANCE AND INSPECTION RECORDS	Other inspections.	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5375-09	NOTICES TO AIRMEN	Reports officially notifying the public, FAA, and airlines that a problem exists with the airport facility.	2 years after notice is canceled.	
PW5375-10	OPERATIONAL PERMITS AND CERTIFICATIONS			
PW5375-10a	OPERATIONAL PERMITS AND CERTIFICATIONS	Permits and certifications from the FAA or other state and federal agencies and any reports, correspondence, or other documentation bearing directly on the application for, the issuance of, or the renewal of the permit or certification.	5 years after final expiration, cancellation, revocation, or denial of the permit or certification.	
PW5375-10b	OPERATIONAL PERMITS AND CERTIFICATIONS	Records concerning any exemptions granted or deviations required by an emergency.	5 years after deviation or expiration of exemption.	
PW5375-11	OPERATIONS REPORTS	Periodic reports or logs of airport operations, services, and activities, and statistical summaries of such reports.		
PW5375-11a	OPERATIONS REPORTS	Daily reports or logs and weekly and/or monthly statistical summaries of such reports.	3 years.	
PW5375-11b	OPERATIONS REPORTS	Annual reports.	PERMANENT.	
PW5375-12	REPORTS TO REGULATORY AGENCIES	Reports on any aspect of airport operations to the Federal Aviation Administration (FAA) or to other state or federal agencies as required by law, regulation, or agency order.		
PW5375-12a	REPORTS TO REGULATORY AGENCIES	Annual reports.	PERMANENT.	
PW5375-12b	REPORTS TO REGULATORY AGENCIES	Special reports that are not recapitulated in annual reports.	PERMANENT.	
PW5375-12c	REPORTS TO REGULATORY AGENCIES	Interim or periodic reports on a less than annual basis that are recapitulated in an annual report or in a special report under PW5375-12b.	5 years.	

PART 5: SOIL AND WATER CONSERVATION RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5400-01	ALLOCATIONS OF FUNDS, REQUESTS AND CLAIMS FOR	Copies of requests and claims for allocations submitted to the Texas State Soil and Water Conservation Board.	FE + 3 years.	
PW5400-02	VARIANCE OF LAND USE REGULATIONS, PETITIONS FOR			
PW5400-02a	VARIANCE OF LAND USE REGULATIONS, PETITIONS FOR	Granted petitions.	As long as variance in effect + 2 years.	
PW5400-02b	VARIANCE OF LAND USE REGULATIONS, PETITIONS FOR	Denied petitions.	2 years.	
PW5400-03	WATER QUALITY MANAGEMENT PLANS	Water quality management and implementation plans developed by soil and water conservation plans for landowners to prevent and abate pollution, including any associated corrective action plans, notifications of withdrawal of certification, and maintenance agreements.	Life of plan + 2 years.	

PART 6: RECORDS OF AGRICULTURE EXTENSION AGENTS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5425-01	CLIENT FILES	Original records documenting the work of agriculture extension agents with their clients and copies of documents that by law, regulation, or administrative policy of the Agriculture Extension Service at Texas A&M University or other authorizing agency are retained by the agent after filing originals with the service or other agency.	3 years.	

PART 7: ENVIRONMENTAL HAZARDS RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5450-01	ASBESTOS MANAGEMENT RECORDS			
PW5450-01a	ASBESTOS MANAGEMENT RECORDS	Records documenting asbestos abatement projects in public buildings.	30 years from the date of project completion.	By regulation - 25 TAC 295.62(a).
PW5450-01b	ASBESTOS MANAGEMENT RECORDS	Records of asbestos inspections.	5 years.	
PW5450-02	ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES MANAGEMENT PLANS	Planning reports, background materials, and supporting documentation used to provide for the protection of the environment.	PERMANENT.	
PW5450-03	ENVIRONMENTAL QUALITY REVIEW RECORDS	Environmental impact statements and related reports, including background materials and supporting documentation used in preparing statements and reports.	PERMANENT.	
PW5450-04	PEST CONTROL RECORDS			
*PW5450-04a	PEST CONTROL RECORDS	Records of pesticide applications, inspections and sampling notifications, and other documentation required by pesticide regulations.	2 years.	By law - Agriculture Code, Section 76.114(c) and by regulation - 4 TAC 7.33(a) and 4 TAC 7.144(a).
* PW5450-04b	PEST CONTROL RECORDS	Records of aerial application of insecticides and of seasonal employees hired for mosquito control programs.	5 years.	By regulation – 25 TAC 267.11.
* PW5450-04c	PEST CONTROL RECORDS	Records of distribution of restricted-use pesticides, state limited-use pesticides, or regulated herbicides.	2 years.	By law – Agriculture Code, Section 76.075 and by regulation – 4 TAC 7.32(a).

Record Number	Record Title	Record Description	Retention Period	Remarks
* PW5450-04d	PEST CONTROL RECORDS	Records relating to local aquatic vegetation management plan authorized by Parks and Wildlife Code, §11.083, including all local plan submissions and approvals, all treatment proposals submitted to Texas Parks and Wildlife Department (TPWD), all notices received and provided, all control measures taken by the governing entity (including records of date, place, location, type, and amount of all aquatic herbicide applications), and any other information relevant to a particular individual request for shoreline treatment.	5 years.	By regulation – 31 TAC 57.936.
PW5450-05	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	Documentation of compliance with regulations for underground tank systems storing hazardous substances and petroleum substances, and immovable aboveground tanks storing petroleum products. (See item number PW5450-06 for records of movable aboveground storage tanks.)		
PW5450-05a	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	Original and amended tank registration documents, original and amended certifications for storage tank system installations and financial responsibility, and notifications to storage tank purchaser.	Operational life of the storage tank system.	By regulation - 30 TAC 334.130(b)(1)(A) and 334.10(b)(2)(A).
PW5450-05b	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	Records of requests for approval of variances or alternative procedures, and documentation of approval of such requests.	Operational life of the storage tank system.	By regulation: 30 TAC 334.43(e).
PW5450-05c	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	<p>Installation records.</p> <p>(1) General information relating to the installation of new storage tank systems and as-built drawings or plans depicting the sizes, dimensions, and locations of site features, system components, etc.</p> <p>(2) Equipment tests including the air tests and the tightness tests conducted on the tanks and piping at the time of installation.</p>	<p>Operational life of the storage tank system.</p> <p>5 years.</p>	<p>By regulation - 30 TAC 334.46(i)(2).</p> <p>By regulation - 30 TAC 334.46(i)(3).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5450-05d	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	<p>Records for upgrading existing storage tank systems.</p> <p>(1) General information related to the tank integrity assessment and cathodic protection requirements and as-built drawings or plans depicting the sizes, dimensions, and locations of any system components or equipment added.</p> <p>(2) Results of equipment tests and tank integrity tests required when upgrading existing storage tank systems including internal inspections, tank and piping tightness tests, and site assessments.</p>	<p>Operational life of the storage tank system.</p> <p>5 years.</p>	<p>By regulation - 30 TAC 334.47(e)(2).</p> <p>By regulation - 30 TAC 334.47(e)(3).</p>
PW5450-05e	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	<p>Operation and maintenance records of storage tank systems including records related to inspection, servicing, testing, and inventory control.</p>	<p>5 years.</p>	<p>By regulation - 30 TAC 334.48(g).</p>
PW5450-05f	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	<p>Corrosion protection records.</p> <p>(1) Installation records relating to the corrosion protection system including information on the system designer, drawings or plans depicting the locations of all system components, operating instructions and warranty information, maintenance schedules, and testing procedures.</p> <p>(2) Results of tests and inspections of corrosion protection systems and components.</p>	<p>As long as the corrosion protection system is used.</p> <p>5 years.</p>	<p>By regulation - 30 TAC 334.49(e)(2)(A).</p> <p>By regulation - 30 TAC 334.49(e)(2)(B).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5450-05g	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	<p>Release detection records.</p> <p>(1) Installation records related to the release detection system; all written performance claims pertaining to the system used and documentation of how those claims have been justified or tested by the equipment manufacturer or installer; and any schedules of required calibration and maintenance provided by the release detection equipment manufacturer.</p> <p>(2) Results of sampling, testing, or monitoring of releases (including tank tightness tests); records and calculations related to inventory control reconciliation; and documentation of service, calibration, maintenance, and repair of release detection equipment.</p>	<p>As long as the release detection system is used.</p> <p>5 years.</p>	<p>By regulation - 30 TAC 334.50(e)(2)(A), (B), and (E).</p> <p>By regulation - 30 TAC 334.50(e)(2)(C), (D), and (E).</p>
PW5450-05h	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	<p>Spill and overfill control records.</p> <p>(1) Installation records of spill and overfill prevention equipment.</p> <p>(2) Records of servicing, calibration, maintenance, and repair of spill and overfill equipment.</p> <p>(3) Transfer or inventory records documenting the basis for claiming an exemption from the spill and overfill equipment requirements, if applicable.</p>	<p>As long as the spill and overfill prevention equipment is used.</p> <p>5 years.</p> <p>5 years.</p>	<p>By regulation - 30 TAC 334.51(c)(2)(A).</p> <p>By regulation - 30 TAC 334.51(c)(2)(B).</p> <p>By regulation - 30 TAC 334.51(c)(3).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5450-05i	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	<p>Records for repairs and relining.</p> <p>(1) General information related to the repair or relining of a storage tank including materials specifications, warranty information, recommended test procedures, and inspection and maintenance schedules applicable to the relining of a storage tank.</p> <p>(2) Results of inspections, tests, and maintenance activities.</p>	<p>Operational life of the storage tank system.</p> <p>5 years.</p>	<p>By regulation - 30 TAC 334.52(d)(2)(A) and (C).</p> <p>By regulation - 30 TAC 334.52(d)(2)(B).</p>
PW5450-05j	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	Records of the installation of a used tank including inspection and tank tightness test results required for the reuse of used tank.	As long as the tank remains in operation.	By regulation - 30 TAC 334.53(c).
PW5450-05k	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	Documentation of compliance with requirements for the temporary removal from service of a storage tank.	5 years.	By regulation - 30 TAC 334.54(e)(4)(B).
PW5450-05l	STORAGE TANK (IMMOVABLE) SYSTEM RECORDS	Documentation of compliance with requirements for the permanent removal from service of a storage tank.	As long as any underground storage tank remains in service at the facility or 5 years after the storage tank system is permanently removed from service, whichever longer.	By regulation - 30 TAC 334.54(e)(4)(B).
PW5450-06	STORAGE TANK (MOVABLE) SYSTEM RECORDS	Records of movable aboveground storage tanks that are regularly used to store petroleum products (e.g., skid tanks), are intended to be moved from one location to another on a regular basis, and are not permanently part of any particular facility.	5 years.	By regulation - 30 TAC 334.127(f)(2).
PW5450-07	WASTE GENERATORS, RECORDS OF			

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5450-07a	WASTE GENERATORS, RECORDS OF	Authorized discharges to surface waters - Records documenting permit requirements for monitoring and processing the surface discharge of wastewater generated from treatment of water contaminated by petroleum substances, and discharges to surface waters from locally-owned or operated activities including ready-mixed concrete plants and concrete products plants and their associated facilities, sand and gravel mining and processing facilities, motor vehicle cleaning facilities, and petroleum bulk stations and terminals.	3 years.	
PW5450-07b	WASTE GENERATORS, RECORDS OF	<p>Hazardous waste - Operation records of generators of hazardous waste regarding the quantities generated and shipped off-site for storage. For retention requirements of records for local government-owned facilities that store, process, or dispose of hazardous waste, see Part 3 of Local Schedule UT (Records of Utility Services).</p> <p>(1) Records of any test results, waste analyses, or other methods used to determine if waste is hazardous.</p> <p>(2) Manifests and shipping papers, such as monthly shipment summaries and exception reports, retained by generators of hazardous waste.</p> <p>(3) Annual summary reports submitted by the generator to the Texas Commission on Environmental Quality.</p>	<p>3 years after the waste was last sent to an on-site or off-site storage, processing, or disposal facility.</p> <p>3 years.</p> <p>3 years.</p>	<p>Retention Note: The retention period for the following records maintained by generators of hazardous waste is extended automatically during the course of any unresolved enforcement action regarding the regulated activity.</p> <p>By regulation - 30 TAC 335.70(a).</p> <p>By regulation - 30 TAC 335.13(d), (i), and (k).</p> <p>By regulation - 30 TAC 335.70(b) and (c).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5475-01	RECORD OF WEIGHTS	Copies of certificates of weight or measure issued by a public weigher.	3 years.	
PW5475-02	WEIGHTS AND MEASURES INSPECTION RECORDS			
PW5475-02a	WEIGHTS AND MEASURES INSPECTION RECORDS	Record, maintained in a bound volume or on separate forms, of each inspection, measurement, and test made by a sealer of weights and measures.	3 years.	
PW5475-02b	WEIGHTS AND MEASURES INSPECTION RECORDS	Copies of reports to the Texas Department of Agriculture on violations of state weights and measures laws.	1 year.	

PART 9: LIBRARY AND MUSEUM RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5500-01	ACCESSION/DEACCESSION RECORDS	Records used to update library catalogs or inventory records of the accession through purchase or gift or the deaccession through loss or withdrawal of library and museum materials.	AV.	Retention Note: This record series does not include the record copy of purchase requisitions or orders or accounts payable documentation. See item numbers GR1025-26 and GR1075-03 in Local Schedule GR.
PW5500-02	BORROWER REGISTRATION RECORDS	Records documenting the registration of borrowers.	AV.	
PW5500-03	CIRCULATION RECORDS	Records documenting the circulation of library materials to individual borrowers.	AV.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5500-04	INTERLIBRARY LOAN RECORDS	Records relating to the lending and borrowing of library materials through interlibrary loan.	AV.	Retention Note: It is an exception to the retention period for this item that if interlibrary loan services are funded by indirect grants from the U.S. Department of Education, the record copy of documents evidencing interlibrary loan activity must be retained for FE + 5 years. See introductory retention note concerning grant records in Part 2 of Local Schedule GR (Records Common to All Local Governments).
PW5500-05	INVENTORY RECORDS	Shelf lists or equivalent records showing current library and museum holdings.	Until superseded.	
PW5500-06	LIBRARY CATALOGS		Until superseded.	

PART 10: PARKS AND RECREATION RECORDS

Retention Note: This part concerns records associated with the use of parks; playgrounds; community centers; swimming pools; theaters; concert halls; golf courses; zoos; civic auditoriums; and other sports, recreational, and cultural facilities owned and operated by a local government.

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5525-01	ATTENDANCE REPORTS	Reports, statistical compilations, and similar records of attendance at and the use of parks and recreational facilities.		
PW5525-01a	ATTENDANCE REPORTS	Annual reports.	PERMANENT.	
PW5525-01b	ATTENDANCE REPORTS	Monthly reports.	3 years.	
PW5525-01c	ATTENDANCE REPORTS	Daily or weekly reports.	1 year.	
PW5525-02	HORTICULTURAL FILES	Inventories, maps, and similar records relating to the botanical description and location of all plants, trees, and shrubs in local government parks, botanical gardens, arboretums, zoos, etc.	AV.	Retention Note: Review before disposal; some records in this group may merit PERMANENT retention for historical reasons.

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5525-03	PROGRAM FILES	Records relating to sports, recreational, or cultural activities and programs sponsored by a local government, including activity schedules, programs, rosters, status sheets, scorebooks, rules and regulations, activity planning records, and all other similar records not noted elsewhere in this part.	2 years.	Retention Note: Review before disposal; some records in this group may merit PERMANENT retention for historical reasons.
PW5525-04	RESERVATION AND REGISTRATION RECORDS			
PW5525-04a	RESERVATION AND REGISTRATION RECORDS	Logs or similar records documenting the reservation of park and recreational facilities.	2 years.	
PW5525-04b	RESERVATION AND REGISTRATION RECORDS	Applications for reserved use of park and recreational facilities not requiring a permit under local ordinance or policy.	2 years.	Retention Note: For reserved or special use of park or recreational facilities requiring a permit under local ordinance or policy see item number GR1000-36 in Local Schedule GR.
*PW5525-04c	RESERVATION AND REGISTRATION RECORDS	Waivers of liability/parental consents.	3 years from cessation of activity for which the waiver was signed.	Retention Note: If an accident occurs to any person covered by a signed waiver of liability, it must be retained for the same period as accident reports. See item number GR1000-20 in Local Schedule GR.
PW5525-05	SWIMMING POOL REPORTS	Swimming pool water quality test and analysis reports.	3 years.	
PW5525-06	VISITOR LOGS	Guest books, registers, logs, or similar records of visitors to museums, historical sites, and other facilities owned or operated by a local government.	2 years.	

PART 11: ZOO RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5550-01	PERMITS AND LICENSES	Permits and licenses required by law or regulation from the U. S. Department of Agriculture, the Fish and Wildlife Service of the U. S. Department of Interior, or other federal or state agencies.	Expiration or termination + 3 years.	
PW5550-02	MIGRATORY BIRD RECORDS	Records showing the species and number of migratory birds acquired, possessed and disposed of; the names and addresses of persons from whom the birds were acquired and to whom such birds were donated or sold, and the dates of the transaction.	CE + 5 years.	By regulation - 50 CFR 21.12(b).
PW5550-03	WILDLIFE RECORDS	Records relating to zoo wildlife, except migratory birds (see item number PW5500-02).		
PW5550-03a	WILDLIFE RECORDS	Records relating to the taking, possession, transportation, sale, purchase, barter, exportation, or importation of wildlife under permit issued by the Fish and Wildlife Service of the U. S. Department of Interior.	Expiration of permit + 5 years.	By regulation - 50 CFR 13.46.
PW5550-03b	WILDLIFE RECORDS	Records relating to the euthanization or disposal of dead zoo animals except as noted in PW5550-03c.	1 year.	By regulation - 9 CFR 2.80(a).
PW5550-03c	WILDLIFE RECORDS	Necropsy reports on dead marine mammals.	3 years.	By regulation - 9 CFR 3.110(g).
PW5550-03d	WILDLIFE RECORDS	Water quality test reports for marine mammal facilities.	1 year.	By regulation - 9 CFR 3.106(a)(3).

PART 12: PUBLIC BROADCASTING RECORDS

Retention Notes: a) The retention periods in this part are for the records of noncommercial AM or FM radio and television broadcasting stations owned and operated by a local government.

b) Throughout this part the Federal Communication Commission is referred to as the FCC.

c) It is an exception to the retention periods given in this part, that records having a substantial bearing on a matter which is the subject of a claim against the licensee, or relating to an FCC investigation or a complaint to the FCC of which the licensee has been advised, shall be retained until the licensee is notified in writing that the records may be discarded, or, if the matter is a private one, the claim has been satisfied or is barred by statutes of

limitation. In addition, it is an exception to the retention period for item number PW5575-08 that logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them.

Record Number	Record Title	Record Description	Retention Period	Remarks
* PW5575-01	APPLICATIONS AND RELATED MATERIALS	A copy of any application tendered for filing with the FCC, together with all related material, including supporting documentation of any points claimed in the application pursuant to Sec. 73.7003, and copies of FCC decisions pertaining thereto. If petitions to deny are filed against the application and have been served on the applicant, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition.	Applications shall be retained until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing and applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term.	By regulation - 47 CFR 73.3527(e)(2).

Record Number	Record Title	Record Description	Retention Period	Remarks
* PW5575-02	ISSUES/PROGRAMS LISTS	For nonexempt noncommercial educational broadcast stations, every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list shall include a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. The description of the programs shall include, but shall not be limited to, the time, date, duration, and title of each program in which the issue was treated.	Until final action has been taken on the station's next license renewal application.	By regulation - 47 CFR 73.3527(e)(8)(i).
PW5575-03	CONSTRUCTION PERMIT RECORDS	Records relating to applications for the construction of new stations in the noncommercial educational broadcast services, including copies of applications and all exhibits, letters, and other documents tendered with or incorporated by reference in the application; all correspondence between the applicant and the FCC; any initial and final decisions in any hearings on the application; copies of any petitions filed to deny the application; and documentation relating to any requests for an extension of time to complete construction.		
PW5575-03a	CONSTRUCTION PERMIT RECORDS	If permit is granted.	Until the expiration of the first licensing term (5 years for television licensees and 7 years for radio licensees) or until the grant of the first renewal application of the license in question, whichever later.	By regulation - 47 CFR 73.3527(e)(2).
PW5575-03b	CONSTRUCTION PERMIT RECORDS	If permit is denied.	Until denial of permit by the FCC or, if appealed to a court, until decision of FCC upheld.	

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5575-04	DONOR LISTS	Lists of donors supporting specific programs broadcast by the station.	2 years.	By regulation - 47 CFR 73.3527(e)(9).
*PW5575-05	EQUAL EMPLOYMENT OPPORTUNITY FILE	Copies of annual employment reports filed with the FCC, including all exhibits, letters, and other documents filed with or incorporated by reference in the report.	Until final action has been taken on the station's next license renewal application.	By regulation - 47 CFR 73.3527(e)(6).
PW5575-06	OPERATIONAL LICENSES AND PERMITS	Station operation and broadcasting licenses and permits from the FCC, <i>except</i> those noted elsewhere in this part.	Expiration or cancellation of license or permit + 3 years.	
PW5575-07	POLITICAL FILES	Record of requests made by or on behalf of political candidates for broadcast time, including a schedule of time purchased or provided free, when spots actually aired, the rates charged (if any), and the classes of time purchased (if any).	2 years.	By regulation - 47 CFR 73.1943(c).
PW5575-08	STATION LOGS	Logs containing technical data on the operation of the station as required by regulations of the FCC (47 CFR 73.1800 and 73.1820).	2 years, but see retention note.	By regulation - 47 CFR 73.1840(a). Retention Note: It is an exception to the retention period indicated that logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the FCC and about which the licensee has been notified, shall be retained by the licensee until specifically authorized in writing by the FCC to destroy them. In addition, logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

PART 13: SOCIAL SERVICES RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5600-01	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Records of local government services for the elderly and disabled, funded through grants from the Texas Department of Aging and Disability.		
*PW5600-01a	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Financial records, supporting documents, statistical records, and other records relating to the performance of local governments designated to receive grants as area agencies on aging or local governments subcontracting for services to older persons such as transportation, homemaker services, multipurpose senior centers, information and referral, nutrition services, etc.	5 years following the end of the federal fiscal year to which the record pertains and until any pending litigation, claim, or audit findings, issuance or proposed disallowed costs or other disputes have been resolved.	
PW5600-01b	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Records relating to all complaints filed concerning a grantee agency.	5 years after the end of grantee's fiscal year and until any pending litigation, claim or audit findings, issuance of proposed disallowed costs, or other disputes have been resolved.	By regulation - 40 TAC 81.21(d).
PW5600-01c	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Training records certifying completion of an approved National Safety Council Defensive Driving Course for vehicle operators providing transportation services authorized under Title III of the Older Americans Act.	Until superseded.	Retention Note: Current certification must be retained to verify that training has been received.

Record Number	Record Title	Record Description	Retention Period	Remarks
* PW5600-01d	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Administrative, fiscal, personnel, and client case records documenting case management services and nursing facilities.	3 years and 90 days after termination of the contract or until any litigation, claim, or audit is resolved, whichever is longer.	By regulation- 40 TAC 69.158(a) and 40 TAC 19.1924(2) Retention Note: Any personnel or payroll records in this record group must be kept for the retention period indicated here or for the retention period for the record in Part 3 of Local Schedule GR (Records Common to All Local Governments), whichever longer.
* PW5600-01e	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Records relating to services performed by local authorities under the Texas Home Living Program.	6 years from the date the records were created; any audit exception or litigation involving the records is resolved; or the individual becomes 21 years of age.	By regulation - 40 TAC 9.574(a)(b).
* PW5600-01f	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Records relating to services performed by local authorities under the ICF/MR Program.	5 years from the date the records were created; any audit exception or litigation involving the records is resolved; or the individual becomes 21 years of age.	By regulation - 40 TAC 9.213(b).
* PW5600-01g	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Clinical records relating to Nursing Facility Requirements for Licensure and Medicaid Certification.	5 years after medical services end; or for a minor, three years after a resident reaches legal age under Texas law.	By regulation - 40 TAC 19.1910(b).
* PW5600-01h	AGING AND DISABLED, RECORDS OF SERVICES FOR THE	Index of admissions and discharges.	PERMANENT.	By regulation - 40 TAC 19.1912(a).
PW5600-02	CHILD PROTECTIVE SERVICE RECORDS	Records of local government services to protect children from abuse and neglect.		

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5600-02a	CHILD PROTECTIVE SERVICE RECORDS	<p>Child placement services (24-hour care and adoption).</p> <p>(1) Case records of children placed in substitute care <i>except</i> for health records and documentation of the termination of parental rights.</p> <p>(2) For children placed in substitute care, health records that physicians advise will be of medical importance to the child and information concerning the termination of parental rights or the court order.</p> <p>(3) Case records of children placed in adoption.</p>	<p>Date minor reaches majority age + 5 years.</p> <p>PERMANENT.</p> <p>PERMANENT.</p>	
PW5600-02b	CHILD PROTECTIVE SERVICE RECORDS	<p>Child welfare contracts - Fiscal documents maintained by a county to ensure that claims for federal matching funds for child welfare contracts with the Department of Family and Protective Services (DFPS) meet applicable federal requirements.</p>	<p>3 years after the final expenditure date is submitted.</p>	<p>Retention Note: If audited during the three-year period, the county must keep the documents until any audit exceptions are reconciled.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5600-02c	CHILD PROTECTIVE SERVICE RECORDS	<p>Contracts with Department of Family and Protective Services (DFPS) for services for runaways and at-risk youth.</p> <p>(1) Financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report was submitted to the department or its agent.</p> <p>(2) Records of nonexpendable property acquired under the contract.</p>	<p>3 years and 90 days after the end of the contract period or 3 years after the end of the federal fiscal year in which services were provided (if a provider agreement/contract has no specific termination date in effect) or until all litigation, claims, or audit findings are resolved.</p> <p>3 years after the final disposition of the property.</p>	<p>By regulation - 40 TAC 732.262(b).</p> <p>Retention Note: Contract period means the beginning date through the ending date specified in the original agreement/contract; extensions are considered separate contract periods.</p> <p>By regulation - 40 TAC 732.262(b).</p>
PW5600-02d	CHILD PROTECTIVE SERVICE RECORDS	Client files documenting protective services funded through contracts with the Department of Family and Protective Services (DFPS).	5 years from the last date of services.	By regulation - 40 TAC 732.262(c) for medical records, and by authority of this schedule for documentation of other child welfare services.
PW5600-03	PURCHASED SOCIAL SERVICES RECORDS	Documentation of social services funded through a contract with the Health and Human Services Commission except purchased health services listed in Local Schedule HR (Records of Public Health Agencies).		

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5600-03a	PURCHASED SOCIAL SERVICES RECORDS	Financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report was submitted to the department or its agent.	3 years and 90 days after the end of the contract period or 3 years after the end of the federal fiscal year in which services were provided (if a provider agreement/contract has no specific termination date in effect) or until all litigation, claims, or audit findings are resolved.	Retention Note: Contract period means the beginning date through the ending date specified in the original agreement/contract; extensions are considered separate contract periods.
PW5600-03b	PURCHASED SOCIAL SERVICES RECORDS	Records of nonexpendable property acquired under the contract.	3 years after the final disposition of the property.	
PW5600-03c	PURCHASED SOCIAL SERVICES RECORDS	Social services client files.	5 years from the last date of services.	
PW5600-04	SOCIAL SERVICE CLIENT CASE FILES	Records of local government programs that provide social services such as emergency assistance, child care programs, services to the aged and disabled, housing and homelessness programs, etc., <i>except</i> for those programs funded by contracts with state agencies, as specified elsewhere in this section.		
PW5600-04a	SOCIAL SERVICE CLIENT CASE FILES	Denied applicant records including application, eligibility worksheet, note of eligibility decision, reason for denial, and explanation of appeal process.	3 years.	
PW5600-04b	SOCIAL SERVICE CLIENT CASE FILES	Eligible applicant records documenting services provided including application for services, eligibility verification, case assessment, referrals to community resources, etc.	5 years from last date of service.	
* PW5600-05	VOLUNTEER SERVICE FILES	Information about individual volunteers and duties they perform.	US or date of separation + 3 years.	

PART 14: VETERANS SERVICE OFFICER RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5625-01	CLIENT FILES	Original records documenting the work of veterans service officers with their clients and copies of documents that by law, regulation, or administrative policy of authorizing federal or state agencies are retained by the agent after filing originals with the agency.	3 years.	

PART 15: GAMING RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5650-01	BINGO APPLICATIONS AND LICENSES	Copies of applications to conduct bingo games and copies of bingo licenses.		
PW5650-01a	BINGO APPLICATIONS AND LICENSES	Applications.	1 year.	
PW5650-01b	BINGO APPLICATIONS AND LICENSES	Licenses and license renewals.	Until superseded, <i>but see retention note.</i>	Retention Note: If a bingo license is 2 years old and has not been superseded by a new license, it may be disposed of.
PW5650-02	REPORTS OF PROCEEDS	Reports of proceeds of bingo operators licensed to operate in counties and cities.		
PW5650-02a	REPORTS OF PROCEEDS	If the city or county has imposed a gross receipts tax on bingo proceeds.	FE + 3 years.	
PW5650-02b	REPORTS OF PROCEEDS	If the city or county has not imposed a gross receipts tax on bingo proceeds.	AV.	

PART 16: CEMETERY RECORDS

Retention Note: This part applies to the records of cemeteries operated by counties, cities, or any other local government.

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5675-01	CREMATION RECORDS	Records relating to the cremation of human remains in a cemetery crematorium showing name and age of deceased (if known), date of cremation, and disposition of cremated remains.	PERMANENT.	
PW5675-02	INTERMENT RECORDS	Records showing name and age of deceased (if known), date of interment, and type and location of interment.	PERMANENT.	
PW5675-03	DISINTERMENT RECORDS	Court or health department exhumation orders, copies of disinterment permits, reports concerning the disinterment and subsequent disposition of the exhumed remains, and similar records relating to the disinterment or exhumation of human remains.	PERMANENT.	
PW5675-04	CEMETERY MAPS AND PLATS	Maps, plats, or similar records showing the location of all graves and gravesites in the cemetery.	PERMANENT.	
PW5675-05	CEMETERY REGISTERS	Ledgers, registers, or similar records showing all cemetery lots by plat number with the name of the purchaser, purchase price, and date of purchase.	PERMANENT.	
PW5675-06	DEEDS (CEMETERY)	Deed books or copies of deeds or comparable instruments of ownership of lots and gravesites, including similar records relating to deed transfers.	PERMANENT.	

PART 17: COUNTY HISTORICAL COMMISSION RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
PW5700-01	COUNTY REGISTER OF HISTORICAL PLACES AND MEMORABILIA	Register containing data on historical places and memorabilia required of county historical commissions by the Local Government Code, Section 318.006(b).	PERMANENT.	

PART 18: MISCELLANEOUS RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*PW5725-01	OIL AND GAS RECORDS	Records relating to drilling for oil and gas on land owned by municipalities or other local governments.		
*PW5725-01a	OIL AND GAS RECORDS	Permits.	Expiration, cancellation, revocation, or denial of permit + 5 years.	
*PW5725-01b	OIL AND GAS RECORDS	Inspection reports.	3 years.	
*PW5725-01c	OIL AND GAS RECORDS	Oil and gas lease and production records, and division orders.	Expiration, cancellation, or revocation of associated lease + 5 years.	

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927.
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TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE UT (Second Edition)

RETENTION SCHEDULE FOR RECORDS OF PUBLIC UTILITY SERVICES

This schedule establishes mandatory minimum retention periods for records maintained in water districts and by local government-owned water and wastewater, solid waste, electric, gas, or other special utility districts. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period that is less than that established for the record in this schedule. Original paper records may be disposed of prior to the expiration of their minimum retention periods if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under those chapters. Actual disposal of such records by a local government is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under it, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code,

Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Public Information Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the Commission.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

A local government record may not be destroyed if any litigation, claim, negotiation, audit, public information request, administrative review, or other action involving the record is initiated prior to the destruction of the record until the completion of the action and the resolution of all issues that arise from it or until the expiration of the retention period of the record, whichever is later.

If a record described in this schedule is maintained in a bound volume of a type in which pages were not meant to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is less than permanent may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** in this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library and Archives Commission. A Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described.

Use of Asterisk (*)

The use of an asterisk (*) in this second edition of Local Schedule UT indicates that the record is either new to this edition, the retention period for the record has been changed for the record, or substantive amendments have been made to the description of or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

ABBREVIATIONS USED IN THIS SCHEDULE

- AV - As long as administratively valuable
- CFR - Code of Federal Regulations
- FE - Fiscal year end
- LA - Life of asset
- TAC - Texas Administrative Code
- US - Until superseded

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RECORDS OF UTILITY SERVICES

Retention Notes: a) This schedule should be used by water districts and by local government-owned water and wastewater, solid waste, electric, and gas utility departments.

b) For administrative, financial, personnel, and support services records not included in this schedule, see Local Schedule GR (Records Common to All Governments).

PART 1: GENERAL RECORDS

Retention Note: The records listed in this part are those common to two or more of the utility operations covered in Parts 2-5 of this schedule.

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5000-01	COMMUNICATIONS WITH REGULATORY AUTHORITY, RECORD OF	Record maintained by a municipality as a utility regulatory authority detailing contacts by regulated utilities or their affiliates or representatives with the municipality.	2 years.	
UT5000-02	COMPLAINTS			
UT5000-02a	COMPLAINTS	Record of complaints from customers or applicants for public utility services except that complaints requiring no further action by the utility need not be recorded. Includes the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition made.	Final settlement of complaint + 2 years.	By regulation - 30 TAC 291.81(b)(4) for water and sewer utilities, and by authority of this schedule for all others.
*UT5000-02b	COMPLAINTS	Complaints to the Public Utility Commission about electric service providers.	Determination by the Public Utility Commission + 2 years.	By regulation - 16 TAC 25.30 (c)(3) for electric service providers.
*UT5000-02c	COMPLAINTS	Complaints to public water utilities regarding quality, outage, or pressure.	2 years.	By regulation - 30 TAC 290.46(f)(3)(A)(iii).

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5000-03	CONFIDENTIALITY REQUESTS	Forms or other written requests submitted by utility customers requesting confidentiality of personal information (address, telephone number, and social security number) in account records, including any subsequent written instructions to rescind requests for confidentiality.		
UT5000-03a	CONFIDENTIALITY REQUESTS	If indication of confidentiality is made in a customer account history (item number UT5000-05).	AV after indication made.	
UT5000-03b	CONFIDENTIALITY REQUESTS	If indication of confidentiality is not made in a customer account history (item number UT5000-05).	Until destruction of all records that contain personal information about the customer.	Retention Note: This record consists only of separate forms used by a utility to determine the wishes of a customer concerning confidentiality. It does not include confidentiality requests made on return portions of statements, service applications, etc.
*UT5000-04	CUSTOMER BILLING RECORDS	Monthly or other periodic billing detail records on each customer utility account documenting utility charges and payments.		
*UT5000-04a	CUSTOMER BILLING RECORDS	Electric service providers.	2 years.	By regulation - 16 TAC 25.25(e).
*UT5000-04b	CUSTOMER BILLING RECORDS	Electric service providers for services other than electricity and all other government utilities, if records do not document the payment of any monies remittable to the State Comptroller of Public Accounts.	FE + 3 years.	
*UT5000-04c	CUSTOMER BILLING RECORDS	Electric service providers for services other than electricity and all other government utilities, if records document the payment of any monies remittable to the State Comptroller of Public Accounts.	FE + 5 years.	
*UT5000-04d	CUSTOMER BILLING RECORDS	Authorization forms used to enroll in electronic funds transfer or other automatic payment methods.	US or close of account.	

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5000-05	CUSTOMER ACCOUNT HISTORIES	Account history of each customer of a utility, including all information (name, address, account number, etc.) necessary to provide and bill for services.	Close of account + 2 years.	
UT5000-06	CUSTOMER USAGE REPORTS AND PLANS	Reports, plans, or similar records that by law or regulation must be submitted to a utility from customers concerning intended or actual use of the utility system (e.g. statements of intent to irrigate acreage submitted to an irrigation district, industrial user discharge reports submitted to publicly-owned treatment works, etc.).	3 years.	By regulation - 40 CFR 403.12(o)(3) for industrial user discharge reports and by authority of this schedule for all others.
UT5000-07	DISCONTINUANCE OF SERVICE RECORDS	Records relating to the actual or threatened disconnection or discontinuance of utility service to a customer for non-payment or violation of terms of service, including termination notices, attending physician statements, energy assistance grant notifications, deferred payment agreements, and resolution of dispute review documents.	1 year.	
*UT5000-08	EQUIPMENT HISTORY RECORDS			
UT5000-08a	EQUIPMENT HISTORY RECORDS	Records on individual items of equipment, machinery, apparatus, or other physical components integral to the functioning of a utility system, including records of installation, inspection, testing, maintenance, and repair. See also item number UT5000-09.	L.A.	
*UT5000-08b	EQUIPMENT HISTORY RECORDS	Records of the calibration of testing and monitoring instruments, except those to monitor air emissions.	3 years.	By regulation - 30 TAC 319.7(c) for instrumentation used in monitoring waste discharge, and by authority of this schedule for all others, except those to monitor air emissions.
*UT5000-08c	EQUIPMENT HISTORY RECORDS	Records of the calibration of instrumentation used to monitor air emissions.	2 years.	By regulation - 30 TAC 111.111.

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5000-09	EQUIPMENT INVENTORY RECORDS	Registers, index cards, or similar records providing an inventory of equipment, machinery, apparatus, and other physical components installed or in use in a utility system, showing location, date of installation, and similar data.		
UT5000-09a	EQUIPMENT INVENTORY RECORDS	For a complete inventory that is periodically revised and reprinted.	US + 1 year.	
*UT5000-09b	EQUIPMENT INVENTORY RECORDS	For an inventory that is maintained on cards or similar discrete media.	LA, but see retention note.	Retention Note: Records of individual items may be pulled from a card or similar file and destroyed when the item is junked or salvaged.
UT5000-10	MAPS AND PLATS	Maps and plats of local government-owned utility systems showing service areas, facilities, and infrastructure. See also item number UT5000-14.		
UT5000-10a	MAPS AND PLATS	Landfills.	PERMANENT.	
UT5000-10b	MAPS AND PLATS	All other utilities.	US.	Retention Note: Review before disposal; some maps may merit PERMANENT retention for historical reasons.
UT5000-11	METER READING RECORDS	Books, cards, sheets, or similar records, such as those maintained in automated systems, showing monthly or other periodic utility consumption recorded on each meter, including those provided by customers in customer-read programs.	3 years.	
UT5000-12	OPERATION AND MAINTENANCE MANUALS	Manuals detailing procedures for the operation and maintenance of utility systems and equipment.	US.	

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5000-13	PLANNING STUDIES AND REPORTS	Studies, reports, analyses, research data, projections, graphic material, and similar planning documents by outside consultants or in-house staff relating to comprehensive planning, capital improvements, land use and open space, economic development and outlook, regional and intergovernmental cooperation, growth patterns, demographics, long range forecasts and projections, and other aspects of utility planning not listed elsewhere in this schedule.		
UT5000-13a	PLANNING STUDIES AND REPORTS	Special planning studies or reports prepared by order or request of the governing body or considered by the governing body (as reflected in its minutes) or ordered or requested by a state or federal agency or a court.	PERMANENT.	
UT5000-13b	PLANNING STUDIES AND REPORTS	All other planning reports or studies.	10 years.	<p>Retention Notes: a) Review before disposal; many records of this type may merit PERMANENT or long-term retention for administrative or historical reasons. See also item number GR1000-39.</p> <p>b) Be certain that planning documents do not fall within other records series. For example, excavation and construction plans are included under item number UT5000-14(a) and plans required for a solid waste landfill disposal site are included under item number UT5050-07(b).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5000-14	PRIVATE UTILITY PLANS AND MAPS	Excavation and construction plans, maps and diagrams, and similar records concerning the transmission and distribution systems of privately owned electric, gas, water, telephone, telegraph, and cable television companies maintained by a local government.		
*UT5000-14a	PRIVATE UTILITY PLANS AND MAPS	Excavation and construction plans.	Completion of work + 3 years.	
*UT5000-14b	PRIVATE UTILITY PLANS AND MAPS	Maps.	US.	Review before disposal; some maps may merit PERMANENT retention for historical reasons.
UT5000-15	RATE SCHEDULES, REGULATIONS, AND CHANGE DOCUMENTATION	Tariffs containing schedules of all rates, tolls, charges, and regulations pertaining to all services provided by a utility, including notices of intent to change rates and associated rate change or rate appeal documentation.		
UT5000-15a	RATE SCHEDULES, REGULATIONS, AND CHANGE DOCUMENTATION	Maintained by a local government as operator of a utility (including superseded tariffs).	PERMANENT.	
UT5000-15b	RATE SCHEDULES, REGULATIONS, AND CHANGE DOCUMENTATION	Maintained by a municipality or other local government as a regulatory authority. (1) Tariffs. (2) All other documentation.	US. 5 years.	
UT5000-15c	RATE SCHEDULES, REGULATIONS, AND CHANGE DOCUMENTATION	Received and maintained by a local government as an entity to be affected by proposed change.	AV.	
UT5000-15d	RATE SCHEDULES, REGULATIONS, AND CHANGE DOCUMENTATION	Rate appeal documentation maintained by a local government appealing a rate determination.	AV after final disposition of the appeal.	

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5000-16	SERVICE APPLICATION AND DEPOSIT RECORDS			
UT5000-16a	SERVICE APPLICATION AND DEPOSIT RECORDS	Service applications, unless needed for (b).	1 year.	
UT5000-16b	SERVICE APPLICATION AND DEPOSIT RECORDS	Receipts, refund cards, and related records documenting customer deposits and refunds.	FE of refund of deposit or its credit to unpaid balance + 3 years.	
*UT5000-16c	SERVICE APPLICATION AND DEPOSIT RECORDS	Records of unclaimed deposits for water and sewer utilities.	7 years.	By regulation - 30 TAC 291.84(g)(3) for water and sewer utilities.
*UT5000-16d	SERVICE APPLICATION AND DEPOSIT RECORDS	Records of unclaimed deposits except for water and sewer utilities.	4 years.	By regulation - 16 TAC 25.24(i)(3) for electric service providers, and by authority of this schedule for all others except water and sewer utilities.
*UT5000-17	SERVICE INTERRUPTION RECORDS	Reports, logs, or similar records detailing location, time, and cause of interruption of utility services or operations, including any written reports of service interruptions submitted to a regulatory authority as required by law or regulation.	5 years.	
UT5000-18	STANDARDS AND SPECIFICATIONS FILES	Standards and specifications for materials, supplies, and services.	AV.	Retention Note: Standards and specifications related to records series listed in Local Schedule GR (Records Common to All Governments) such as bid proposals (item number GR1075-01) and construction project files (item number GR1075-16) should be maintained for the retention period adopted for those records.
UT5000-19	WORK ORDERS	Work orders, service orders, and similar records requesting, authorizing, and describing work to be done by utility personnel.	2 years.	

PART 2: WATER AND WASTEWATER RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5025-01	MICROBIOLOGICAL ANALYSIS RECORDS	Records of microbiological analyses of water and wastewater systems.	5 years.	By regulation - 30 TAC 290.46(f)(3)(D)(i).
*UT5025-02	CHEMICAL ANALYSIS RECORDS	Records of chemical analyses of water and wastewater systems.	10 years.	By regulation - 30 TAC 290.46(f)(3)(E)(ii).
UT5025-03	GROUNDWATER MONITORING RECORDS	For water and wastewater permits containing a groundwater monitoring requirement, records from all groundwater monitoring wells and associated groundwater surface elevations.	3 years.	By regulation - 30 TAC 319.7(c) for waste discharge permits and by authority of this schedule for all others.
UT5025-04	INSPECTION RECORDS	Logs, reports, or similar records of inspection of septic tanks, catch basins, or other private sector water-related facilities by water or wastewater personnel.	3 years.	
UT5025-05	LEAD AND COPPER COMPLIANCE RECORDS	Records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, state determinations, and other information required by the Environmental Protection Agency to demonstrate compliance with requirements concerning corrosion control treatment, source water treatment, lead service line replacement, public education and supplemental monitoring, water quality parameters, and monitoring of lead and copper in source and tap water.	12 years.	By regulation - 40 CFR 141.91.
UT5025-06	OPERATIONAL PERMITS AND APPROVALS			

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5025-06a	OPERATIONAL PERMITS AND APPROVALS	Permits and approvals from the Texas Commission on Environmental Quality, the Environmental Protection Agency, and other county, state, and federal agencies as required by law or regulation concerning wastewater treatment and disposal, water use, water districts, environmental protection; and any reports, correspondence, or other documentation bearing directly on the application for, the issuance of, or the renewal of the permit or approval.	Expiration, cancellation, revocation, or denial + 5 years.	
*UT5025-06b	OPERATIONAL PERMITS AND APPROVALS	Records concerning any variance or exemption granted to a system.	Expiration of variance or exemption + 5 years.	By regulation - 30 TAC 290.46(f)(3)(C)(i).
*UT5025-07	OPERATIONS RECORDS	Internal records, reports, logs, or similar records that document or summarize the operations of water supply, treatment, and distribution facilities, stations, and systems; and wastewater collection and treatment facilities, plants, and systems.		
UT5025-07a	OPERATIONS RECORDS	Records of monitoring activities, including records concerning measurements and analyses performed and concerning calibration and maintenance of flow measurement and other instrumentation.	3 years.	By regulation - 30 TAC 319.7(c) for wastewater operations, 30 TAC 290.46(f)(3)(B) for public water systems, and by authority of this schedule for all others.
UT5025-07b	OPERATIONS RECORDS	Periodic logs or reports compiled on less than an annual basis.	3 years.	
UT5025-07c	OPERATIONS RECORDS	Annual or biennial reports.	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5025-08	REPORTS TO REGULATORY AUTHORITIES	Periodic monitoring, financial, and operational reports submitted to the Texas Commission on Environmental Quality, the Environmental Protection Agency, or other agencies and local governments as required by law or regulation on the collection, treatment, and disposal of wastewater and for monitoring the quality of any water in the state.		
UT5025-08a	REPORTS TO REGULATORY AUTHORITIES	Periodic reports compiled and submitted on less than an annual basis.	3 years.	
UT5025-08b	REPORTS TO REGULATORY AUTHORITIES	Annual and biennial reports or special reports ordered or required by a regulatory authority.	PERMANENT.	
*UT5025-09	SANITARY SURVEYS	Surveys, studies, reports, summaries, or communications examining the overall sanitary condition of water and wastewater systems.	10 years.	By regulation - 30 TAC 290.46(f)(3)(E)(iii).
UT5025-10	TAP AND HOOK-UP LOGS	Logs, log sheets, or comparable documents providing a record of water or sewer tap and hook-up permits issued showing location, date of installation, and similar data.	PERMANENT.	
*UT5025-11	VIOLATION REPORTS	Reports, correspondence, and similar records relating to actions taken to correct violations of federal, state, or local primary drinking water regulations; or of other water or wastewater-related laws, ordinances, or regulations.	3 years after last action taken with respect to the particular violation.	By regulation - 30 TAC 290.46(f)(3)(B)(i).
UT5025-12	WATER AND WASTEWATER PERMIT FILES			

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5025-12a	WATER AND WASTEWATER PERMIT FILES	Applications for and similar records relating to the issuance and renewal of permits by a local government for the installation of septic tanks, water and sewer taps and hook-ups, and water meters; for waste discharge; and for other water or wastewater-related installations or activities required by ordinance, regulation, or statute (for logs of such permits see item numbers UT5025-10 and UT5025-13).	Expiration, cancellation, revocation, or denial of the permit + 5 years.	
*UT5025-12b	WATER AND WASTEWATER PERMIT FILES	Records concerning variances or exemptions.	Expiration of variance or exemption + 5 years.	By regulation - 30 TAC 290.46(f)(3)(C)(i) for public water systems and by authority of this schedule for all others.
UT5025-13	WATER AND WASTEWATER PERMIT LOGS	Logbooks, registers, or comparable documents providing a record of water and wastewater permits issued by a local government or any of its departments or subdivisions.	PERMANENT.	
UT5025-14	WATER AND WASTEWATER TREATMENT SLUDGE RECORDS			
UT5025-14a	WATER AND WASTEWATER TREATMENT SLUDGE RECORDS	Records of operators of public water and wastewater treatment plants that apply sewage sludge to land for beneficial use or prepare/provide sewage sludge to persons who prepare, apply, sell, or give away sewage sludge for land application for beneficial use. Includes sludge sample analyses; certification statements; and descriptions of how pathogen requirements, vector attraction reduction requirements, site restrictions, and management practices are met.	5 years.	By regulation - 30 TAC 312.47(a) and (b).

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5025-14b	WATER AND WASTEWATER TREATMENT SLUDGE RECORDS	Records of operators of public water and wastewater treatment plants that prepare sewage sludge that is to be placed on a surface disposal site including sludge sample analyses, certification statements, and descriptions of how pathogen requirements and vector attraction reduction requirements are met.	5 years.	By regulation - 30 TAC 312.67(a)(1).
UT5025-14c	WATER AND WASTEWATER TREATMENT SLUDGE RECORDS	Monitoring information relating to sewage sludge use and disposal activities.	5 years.	By regulation - 30 TAC 305.125(11)(B).
UT5025-14d	WATER AND WASTEWATER TREATMENT SLUDGE RECORDS	Trip tickets completed by transporter and retained by generator of sludge.	5 years.	
UT5025-15	WATER POLLUTION CONTROL AND ABATEMENT FILES	Studies, staff reports, surveys, and similar monitoring and planning records relating to the control and abatement of actual or potential water pollution in a municipality designed to meet the pollution abatement responsibilities of cities pursuant to provisions of the Water Code, Section 26.177.	5 years.	

PART 3: SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT RECORDS

Retention Notes: a) This section applies to facilities owned, operated, or leased by a local government for the collection, handling, transfer, storage, processing, and disposal of solid waste, including medical waste and sludge generated by water supply or wastewater treatment plants, and hazardous waste except for radioactive materials.

b) For Radiation Control Records see item number HR4750-07.

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5050-01	AIR POLLUTION CONTROL MONITORING RECORDS	Documentation required by solid and hazardous waste permits to assure compliance with air pollution control standards including stack sampling analyses, emissions monitoring, or other tests related to air emissions to prove satisfactory equipment performance except for sewage sludge incineration. See also item number UT5050-07(c)(2).	5 years.	By regulation - 30 TAC 101.8(d).
UT5050-02	ASBESTOS DISPOSAL RECORDS			
UT5050-02a	ASBESTOS DISPOSAL RECORDS	Waste shipment record.	2 years.	By regulation - 40 CFR 61.154(e)(4).
UT5050-02b	ASBESTOS DISPOSAL RECORDS	Map or diagram showing location, depth and area, and quantity of asbestos-containing waste within the disposal site.	Until closure of site.	By regulation - 40 CFR 61.154(f).
*UT5050-03	GROUNDWATER MONITORING RECORDS	Records of solid waste and hazardous waste collection, storage, processing, and disposal facilities that have a groundwater monitoring requirement, including analyses of samples, measurements of indicator parameters, certifications, and any other demonstrations, findings, testing, and analytical data relating to groundwater monitoring and corrective action.	Life of the facility including the post-closure care period.	By regulation - 30 TAC 330.125(d) for solid waste landfill disposal sites, 30 TAC 335.117(a)(1) and (b)(1) for hazardous waste storage, processing, and disposal facilities, and by authority of this schedule for all others.
UT5050-04	HAZARDOUS WASTE TRAINING RECORDS	Documentation of classroom instruction and on-the-job training of hazardous waste personnel sufficient to demonstrate appropriate training in compliance with federal requirements for personnel training.		
UT5050-04a	HAZARDOUS WASTE TRAINING RECORDS	Current personnel.	Until closure of facility.	By regulation - 40 CFR 264.16(e).
UT5050-04b	HAZARDOUS WASTE TRAINING RECORDS	Former employees.	Date of termination + 3 years.	By regulation - 40 CFR 264.16(e).

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5050-05	MANIFESTS AND TRIP TICKETS	Documents maintained to provide a record of solid waste or hazardous waste shipments, including manifests, trip tickets, shipping papers, bills of lading, daily logs, and other similar approved documentation.		
UT5050-05a	MANIFESTS AND TRIP TICKETS	Manifests and trip tickets retained by operators of collection, storage, processing, or disposal facilities to document the type and quantity of solid waste delivered except solid waste disposal sites that receive special wastes and facilities that handle used oil filters, waste tires, sewage sludge, hazardous waste, or Class I industrial waste. (1) If the ticket is the only source document used for billing purposes. (2) If another document is used for billing purposes.	1 year. AV.	
*UT5050-05b	MANIFESTS AND TRIP TICKETS	Bills of lading and other shipping records of used oil filters which must be retained by the generator of the filters, transporter of the filters, storage facility at which the filters were stored, and processor of the filters.	3 years after the date the filters were transported, stored, or processed.	By regulation - 30 TAC 328.25(b).
*UT5050-05c	MANIFESTS AND TRIP TICKETS	Manifests, work orders, invoices, or other documentation used to support activities related to the accumulation, handling, and shipment of used or scrap tires or scrap tire pieces.	3 years.	By regulation - 30 TAC 328.58(f).
UT5050-05d	MANIFESTS AND TRIP TICKETS	Trip tickets or similar documentation retained by the operators of facilities that apply prepared sewage sludge, water treatment sludge, and domestic septage to the land for beneficial uses or place it on a surface disposal site.	5 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5050-05e	MANIFESTS AND TRIP TICKETS	Manifests and trip tickets and other tracking records retained by operators of solid waste landfill disposal sites to document the delivery of special wastes such as medical wastes (bulk human blood and blood products, microbiological waste, sharps, etc.); wastewater, sewage, and water-supply treatment sludge; septic tank pumpings; grease and grit trap wastes; and other solid waste requiring special handling to protect human health or the environment.	Life of facility including post-closure care period.	By regulation - 30 TAC 330.125(b)(10).
*UT5050-05f	MANIFESTS AND TRIP TICKETS	Manifests or shipping papers retained by operators of storage, processing, or disposal facilities to document the delivery of hazardous waste or Class I industrial waste except for solid waste landfill disposal sites that receive special wastes.	3 years.	By regulation - 30 TAC 335.15(1) and (4).
*UT5050-05g	MANIFESTS AND TRIP TICKETS	Waste shipping records retained by transporters to document the collection and deposit of solid wastes and hazardous waste except sewage sludge. Includes manifests, waste shipping control tickets, shipping papers, bills of lading, daily logs, or other similar approved documentation.	3 years.	By regulation - 30 TAC 328.58(f) for used or scrap tires; 30 TAC 335.14(a)-(d) for municipal hazardous wastes or Class I industrial solid wastes; 30 TAC 328.25(b) for used oil filters; and by authority of this schedule for all others.
UT5050-05h	MANIFESTS AND TRIP TICKETS	Trip tickets or similar documentation retained by transporters of sewage sludge, water treatment sludge, septage, chemical toilet waste, or grit trap waste.	5 years.	
UT5050-06	OPERATIONAL PERMITS AND APPROVALS			

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5050-06a	OPERATIONAL PERMITS AND APPROVALS	Permits, registrations, and other approvals from the Texas Commission on Environmental Quality and any other local, state, or federal agency, as may be required by law or regulation concerning the collection, handling, transfer, storage, processing, transportation, and disposal of solid waste or hazardous waste by a local government except for the operation of solid waste landfill disposal sites. Includes any reports, correspondence, or other documentation bearing directly on the application for, the issuance of, or the renewal of the permit or license and any variances or exemptions granted to a facility.	Expiration, cancellation, revocation, or denial + 5 years.	
*UT5050-06b	OPERATIONAL PERMITS AND APPROVALS	Permits from the Texas Commission on Environmental Quality concerning the operation of a solid waste landfill disposal site, including any reports, correspondence, or other documentation bearing directly on the application for, the issuance of, or the renewal of the permit and any modifications to the permit.	Life of the facility including the post-closure care period.	By regulation - 30 TAC 330.125(a) and (d).
UT5050-07	OPERATIONS RECORDS	Internal operational records and reports on any aspect of the collection, handling, transfer, storage, processing, and disposal of solid waste or hazardous waste by a local government except those reports that might be included elsewhere in this schedule, such as item numbers UT5050-06 and UT5050-11.		

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5050-07a	OPERATIONS RECORDS	<p>Solid waste management operations except solid waste landfill disposal sites, sewage sludge disposal operations, and waste tire facilities.</p> <p>(1) Records of solid waste management and monitoring activities, including documentation of compliance with standards such as strip charts and instrument calibration.</p> <p>(2) Periodic logs or reports compiled on less than an annual basis.</p> <p>(3) Annual or biennial reports.</p>	<p>3 years.</p> <p>3 years.</p> <p>PERMANENT.</p>	
*UT5050-07b	OPERATIONS RECORDS	<p>Operating record of solid waste landfill disposal sites including required plans and related documents such as the approved Site Development Plan, the Final Closure Plan, the Post-Closure Plan, the Landfill Gas Management Plan; documentation of groundwater monitoring and corrective actions; cost estimates and financial assurance documentation relating to closure and post-closure; copies of correspondence and responses relating to the operation of the facility; and any other documents specified by the approved permit.</p>	<p>Life of the facility including the post-closure care period.</p>	<p>By regulation - 30 TAC 330.125(d).</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5050-07c	OPERATIONS RECORDS	<p>Sludge disposal operations for sewage sludge, water treatment sludge, septage, chemical toilet waste, or grit trap waste.</p> <p>(1) Records of disposal of sewage sludge and domestic septage on a surface disposal site, including sludge sample analyses; certification statements; descriptions of how pathogen requirements, vector attraction reduction requirements, site restrictions, and management practices are met; and identification of land on which disposal operations are carried out.</p> <p>(2) Records of disposal of sewage sludge, water treatment sludge, septage, chemical toilet waste, or grit trap waste by firing in a sewage sludge incinerator, including measurements of the concentration of metals in the sludge fed to the incinerator, information verifying compliance with air pollution control requirements, and a calibration and maintenance log for the instruments used to monitor the exit gas and combustion temperatures.</p>	<p>5 years.</p> <p>5 years.</p>	<p>By regulation - 30 TAC 312.67(a)(2) for sewage sludge and 30 TAC 312.67(b)(1) and (b)(2) for domestic septage.</p> <p>By regulation - 40 CFR 503.47(a).</p>
*UT5050-07d	OPERATIONS RECORDS	Records of waste tire facilities including a description of events at the facility relating to routine maintenance, fires, thefts, spraying for vectors, etc.; the annual report required by the Texas Commission on Environmental Quality; a log containing copies of all monthly reimbursement vouchers; a record of the dates and documentation of calibration by the manufacturer of the scale; and a log containing copies of the monthly operations reports.	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5050-07e	OPERATIONS RECORDS	<p>Hazardous waste operations.</p> <p>(1) Operating record of hazardous waste storage, processing, and disposal facilities, including a description of and quantity of each hazardous waste received; the method and date of its treatment, storage, or disposal; the location of each hazardous waste in the facility and the quantity at each location; a map or diagram of each cell or disposal area; results of waste analyses; reports of incidents that require implementation of the contingency plan; testing or analytical data and corrective action taken; and other records as required by federal regulation.</p> <p>(2) General inspection reports for hazardous waste storage, processing, and disposal facilities.</p> <p>(3) Annual or biennial reports.</p>	<p>Until closure of the facility.</p> <p>3 years.</p> <p>PERMANENT.</p>	<p>By regulation - 40 CFR 265.73(b)(1).</p> <p>Retention Note: The retention period for the hazardous waste operating record is extended automatically during the course of any unresolved enforcement action regarding the facility.</p> <p>By regulation - 40 CFR 265.73(b)(5).</p> <p>Retention Note: The retention period for the inspection reports is extended automatically during the course of any unresolved enforcement action regarding the facility.</p>

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5050-07f	OPERATIONS RECORDS	Affected and small-remote Hospital/Medical/Infectious Waste Incinerators. (1) Records and reports required by 30 TAC 113.2076(c). (2) Records of the annual equipment inspections, any required maintenance, and any repairs not completed within ten operating days of an inspection. (3) Annual reports.	5 years. 5 years. PERMANENT.	By regulation – 30 TAC 113.2076(c). By regulation – 30 TAC 113.2076(d). By regulation – 30 TAC 113.2076(d).
UT5050-08	REPORTS TO REGULATORY AUTHORITIES	Periodic monitoring, financial, and operational reports submitted to the Texas Commission on Environmental Quality, the Environmental Protection Agency, or other agencies or local governments as required by law or regulation on the management of solid waste or hazardous waste.		
UT5050-08a	REPORTS TO REGULATORY AUTHORITIES	Periodic reports compiled and submitted on less than an annual basis.	3 years.	Retention Note: Reports of monitoring programs related to specific permits such as hazardous waste operations and solid waste disposal landfill sites shall be maintained for the retention period required for the operations records.
UT5050-08b	REPORTS TO REGULATORY AUTHORITIES	Annual or biennial reports or special reports ordered by a regulatory authority.	PERMANENT.	
UT5050-09	SOLID WASTE MANAGEMENT PERMITS AND LICENSES			

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5050-09a	SOLID WASTE MANAGEMENT PERMITS AND LICENSES	Applications, copies of permits or licenses, and related documentation concerning the issuance of permits or licenses by a local government for the collection, handling, transfer, storage, processing, transportation, and disposal of solid waste by private concerns or individuals as may be required by local ordinance; and similar records relating to the review by a local government of waste disposal plant permits submitted to the Texas Commission on Environmental Quality.	Expiration, cancellation, revocation, or denial of the permit + 3 years.	
UT5050-09b	SOLID WASTE MANAGEMENT PERMITS AND LICENSES	Records concerning any variance or exemption granted to a permittee.	Expiration of variance or exemption + 3 years.	
UT5050-10	SOLID WASTE MANAGEMENT PERMIT AND LICENSE LOGS	Logbooks, registers, or comparable documents providing a record of solid waste management permits and licenses issued by a local government.	PERMANENT.	
UT5050-11	TONNAGE REPORTS	Daily tonnage reports of solid waste handled and processed in a sanitary landfill, disposal plant, composting plant, or resource recovery facility. See also item numbers UT5050-05 and UT5050-07.		
UT5050-11a	TONNAGE REPORTS	If figures are totaled on a monthly report.	60 days.	
UT5050-11b	TONNAGE REPORTS	If figures are not totaled on a monthly report.	3 years.	
UT5050-12	TRANSPORTATION OF SOLID AND HAZARDOUS WASTE RECORDS			
*UT5050-12a	TRANSPORTATION OF SOLID AND HAZARDOUS WASTE RECORDS	Documentation that solid waste or hazardous waste was taken to an authorized facility.	3 years.	By regulation - 30 TAC 330.1211(h) for medical waste, 30 TAC 330.32(c) for solid waste, and by authority of this schedule for all others.

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5050-12b	TRANSPORTATION OF SOLID AND HAZARDOUS WASTE RECORDS	Records of the cleaning and disinfecting of vehicles used to transport medical waste.	3 years.	By regulation - 30 TAC 330.1211(d) and 330.1221(d).
UT5050-12c	TRANSPORTATION OF SOLID AND HAZARDOUS WASTE RECORDS	Annual summary reports of waste shipment activities.	PERMANENT.	
*UT5050-13	UNDERGROUND INJECTION CONTROL MONITORING	Records of all data resulting from any monitoring activities, including the chemical and physical characteristics of injected fluids or other records required by an underground injection well permit.	3 years following well plugging and abandonment.	By regulation - 30 TAC 331.67(c) for Class I hazardous well and 30 TAC 331.169(c) for Class I salt cavern solid waste disposal well.
*UT5050-14	UNDERGROUND INJECTION CONTROL PERMITS	Copies of injection well permits filed by rule (30 TAC, Chapter 331) of the Texas Commission on Environmental Quality with the health and pollution control authorities of the counties, cities, and towns where the wells are located.	3 years following well plugging and abandonment.	By regulation - 30 TAC 331.67(c).

PART 4: ELECTRIC UTILITY RECORDS

Retention Note: In addition to retention periods listed in this schedule and other commission schedules, the Texas State Library and Archives Commission (TSLAC) adopts certain rules, as listed below, of the Federal Energy Regulatory Commission relating to the preservation and retention of electric utility records. Authorities that provide electricity must follow the retention periods in the federal schedule (see 18 CFR 125.3) for records listed and follow retention periods set in this and other TSLAC schedules for records not listed in the federal schedule. In accordance with 18 CFR 125.2(a)(3), if a record is listed in both the federal and a TSLAC schedule and the retention period given on a TSLAC schedule is longer, the longer retention period must be followed.

The Texas State Library and Archives Commission adopts the following rules of the Federal Energy Regulatory Commission by reference: 18 CFR 125.2(a)(1)-(3), 125.2(j), and 125.3.

Record Number	Record Title	Record Description	Retention Period	Remarks
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Record Number	Record Title	Record Description	Retention Period	Remarks
UT5075-01	CERTIFICATES OF CONVENIENCE AND NECESSITY	Applications for and certificates of convenience and necessity issued by the Public Utility Commission.		
UT5075-01a	CERTIFICATES OF CONVENIENCE AND NECESSITY	Denied applications.	AV.	
UT5075-01b	CERTIFICATES OF CONVENIENCE AND NECESSITY	Approved applications and issued certificates.	PERMANENT.	
UT5075-02	GROSS RECEIPTS ASSESSMENT REPORT	Annual or quarterly gross receipts assessment reports submitted to the State Comptroller of Public Accounts.	FE + 5 years.	
UT5075-03	OPERATIONS REPORTS	Internal reports, logs, or charts that document or summarize the operations of electric utility facilities, plants, and systems.		
UT5075-03a	OPERATIONS REPORTS	Recording instrument charts.	1 year.	
UT5075-03b	OPERATIONS REPORTS	Periodic reports and logs compiled on less than an annual basis.	3 years.	
UT5075-03c	OPERATIONS REPORTS	Periodic surveys to secure data for compliance reports submitted to regulatory authorities (e.g., voltage surveys).	3 years.	
UT5075-03d	OPERATIONS REPORTS	Annual reports.	PERMANENT.	
UT5075-04	REPORTS AND PLANS TO THE PUBLIC UTILITY COMMISSION	Reports or plans, as required by law or regulation, submitted to the Public Utility Commission as regulatory authority by local government owned electric utilities except reports listed elsewhere in this schedule.		
UT5075-04a	REPORTS AND PLANS TO THE PUBLIC UTILITY COMMISSION	Annual and biennial reports or special reports ordered or required by a regulatory authority.	PERMANENT.	
UT5075-04b	REPORTS AND PLANS TO THE PUBLIC UTILITY COMMISSION	Periodic reports compiled and submitted on less than an annual basis.	3 years.	
UT5075-04c	REPORTS AND PLANS TO THE PUBLIC UTILITY COMMISSION	Construction reports (including preliminary, monthly progress, quarterly status, and annual cost and schedule variance analyses).	PERMANENT.	

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5075-05	REPORTS AND PLANS TO MUNICIPALITY AS REGULATORY AUTHORITY	Reports prescribed by state law or regulation or local policy received by a municipality as regulatory authority from electric utilities.	5 years.	
UT5075-06	RIVER FLOW DATA	River flow data collected in connection with hydroelectric plant operations.	PERMANENT.	

PART 5: GAS UTILITY RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
UT5100-01	GAS LEAK INVESTIGATION REPORTS	Reports of investigation of gas leaks.	2 years.	
UT5100-02	ODORIZATION RECORDS			
UT5100-02a	ODORIZATION RECORDS	List of odorization equipment in use, showing location, brand name and model number, and date last serviced.	US + 1 year.	
UT5100-02b	ODORIZATION RECORDS	Malodorant injection reports.	2 years.	
*UT5100-02c	ODORIZATION RECORDS	Malodorant concentration test reports.	2 years.	By regulation - 16 TAC 8.215(e)(1) and (3).
UT5100-03	OPERATIONS REPORTS	Internal reports, logs, or charts that document or summarize the operations of gas utility facilities, plants, and systems, except those noted elsewhere in this schedule.		
UT5100-03a	OPERATIONS REPORTS	Recording and gas measuring instrument charts.	1 year.	
UT5100-03b	OPERATIONS REPORTS	Periodic reports and logs compiled on less than an annual basis unless includable in subsection (d).	3 years.	
UT5100-03c	OPERATIONS REPORTS	Periodic surveys to secure data for compliance reports submitted to regulatory authorities unless includable in subsection (d).	3 years.	

Record Number	Record Title	Record Description	Retention Period	Remarks
*UT5100-03d	OPERATIONS REPORTS	Periodic reports, logs, or surveys necessary to demonstrate compliance with natural gas pipeline safety rules of the Texas Railroad Commission, including accident reports.	5 years.	By regulation - 16 TAC 8.105.
UT5100-03e	OPERATIONS REPORTS	Annual reports.	PERMANENT.	
UT5100-04	REPORTS AND PLANS TO THE RAILROAD COMMISSION	Reports or plans, as required by law or regulation, submitted to the Railroad Commission as regulatory authority by local government owned gas utilities except reports listed elsewhere in this schedule.		
UT5100-04a	REPORTS AND PLANS TO THE RAILROAD COMMISSION	Annual and biennial reports or special reports ordered or required by a regulatory authority.	PERMANENT.	
UT5100-04b	REPORTS AND PLANS TO THE RAILROAD COMMISSION	Periodic reports compiled and submitted on less than an annual basis.	3 years.	
UT5100-04c	REPORTS AND PLANS TO THE RAILROAD COMMISSION	Construction reports.	PERMANENT.	
UT5100-05	REPORTS AND PLANS TO MUNICIPALITY AS REGULATORY AUTHORITY	Reports prescribed by state law or regulation or local policy received by a municipality as regulatory authority from gas utilities.	5 years.	

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927.
512-463-5460 or 512-463-5436 Fax

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CITY OF PRAIRIE VIEW

City Council Communication

Meeting Date: December 15, 2015
Regular Agenda Item 14

To: Mayor and City Council

Agenda Subject:

Discuss and consider action, if deemed appropriate, authorizing the reimbursement to Mayor Frank D. Jackson for expenditures for Economic Development-related travel to Guachene, Columbia related to the development of the 36 Alpha Project

Background:

Mayor Frank D. Jackson recently traveled on economic development-related business to Guachene, Columbia related to the development of the 36 Alpha Project.

Mayor Jackson made a business expenditure for the business flight. He is requesting reimbursement from the City Council in the amount of \$1,247.80 which was charged to the City's credit card based on the proximity of the travel date.

Mayor Jackson has since reimbursed the City for the amount of his air flight in the amount of \$1,247.80. He is requesting that the City Council consider this business travel for economic development purposes related to the 36 Alpha Project and consider payment for this travel.

**CITY OF PRAIRIE VIEW
FINANCIAL STATEMENTS**

**CURRENT MONTH
OCTOBER, 2015
AND
YEAR - TO - DATE
UNAUDITED**

CITY OF PRAIRIE VIEW

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OCTOBER, 2015

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PVCASH

CITY OF PRAIRIE VIEW
CASH POSITION

		OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
NON-ALLOCATED CASH:													
TAX DEPT.		\$174,427											
OPERATING CASH:													
GENERAL ADMIN:													
GENERAL FUND		62,923											
MUNICIPAL COURT		53,951											
TOTAL GEN ADMIN.		116,674											
PUBLIC WORKS		95,205											
TOTAL OPERATING CASH		212,079											
ALLOCATED CASH:													
PAYROLL		(1,696)											
MUNICIPAL COURT													
MUNI COURT BUILDING		15,616											
MUNI COURT TECHNOLOGY		19,525											
TOTAL MUNI COURT		35,141											
POLICE													
POLICE EDUCATION		1,904											
POLICE DRUG FUND		3,852											
TOTAL POLICE		5,756											
WATER AND SEWER BOND FUNDS- 2007		358											
GENERAL OBLIGATION BONDS - 2011		635,139											
CERTIFICATE OF OBLIGATION BONDS -2011		28,211											
WATER WELL#3 PROJECT GRANT		10,755											
GENERAL FUND PETTY CASH		750											
PRAIRIE VIEW CREDIT UNION - SAVINGS		976											
STREET MAINTENANCE FUND		20,103											
PUBLIC WORKS WATER DEPOSIT ESCROW		71,052											
DEBT. SERVICE - GEN . OBLIGA. & REVENUE BONDS		62,061											
HOTEL OCCUPANCY		142											
TOTAL ALLOCATED CASH		1,066,750											
TOTAL CITY OF PRAIRIE VIEW OPERATING CASH		1,455,256											
PLUS:													
P V CRIME CONTROL & PREVENTION		45,324											
P V 4-B ECO. DEV. CORP.		584,553											
TOTAL CASH AVAILABLE		2,065,133											
LESS PRIOR MONTH		2,160,339											
MONTH CHANGE INCREASE (DECREASE)		(\$75,206)											

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CITY OF PRAIRIE VIEW
ACTUAL
FUNDS ANALYSIS
FOR THE MONTH
OCTOBER, 2015

AS OF OCTOBER, 2015

DESCRIPTIONS	GEN FUND 2015-16 ACTUAL	PUBLIC WORKS 2015-16 ACTUAL	DEBT SERVICE 2015-16 ACTUAL	PVCRIME CONTROL 2015-16 ACTUAL	PVECO DEV 4-8 2015-16 ACTUAL	TOTAL 2015-16 ACTUAL
CURRENT FUND CHANGE:						
FUNDS	\$99,184	\$96,490	\$12,400	\$7,047	\$15,333	\$230,454
LESS EXPENDITURES:						
EXPENSES (Incl. debt prtn.)	\$67,387	\$67,104	\$0	\$7,046	\$1,132	\$142,669
OPERATING FUND INCRE (DECRE)	\$31,797	\$29,386	\$12,400	\$1	\$14,201	\$87,785
OTHERS FUNDS CHANGES:						
PLUS						\$0
						\$0
						\$0
(LESS)						\$0
Capital Outlay						\$0
						\$0
						\$0
Debt Principal Paid		(\$4,219)				(\$4,219)
						\$0
TOTAL CURR FUND CHG INCRE (DECRE)	\$31,797	\$25,167	\$12,400	\$1	\$14,201	\$83,566
OTHER OUTLAYS:						
LESS:						
High Point LS Force Main - Fixed Asset		(56,258)				(\$56,258)
Large Fluid Meters - Fixed Asset		(7,310)				(\$7,310)
						\$0
						\$0
						\$0
						\$0
Account Timing Difference (Revenue & Acct. Rec/Pay)	(22,756)	6,408	(12,379)			(\$28,727)
Accrued Prior Period Debt Paid	(40,087)	(26,390)				(\$66,477)
						\$0
						\$0
TOTAL OTHER OUTLAYS	(\$62,843)	(\$83,550)	(\$12,379)	\$0	\$0	(\$158,772)
NON -CASH OUTLAYS						
						\$0
						\$0
						\$0
						\$0
TOTAL NON-CASH OUTLAYS	\$0	\$0	\$0	\$0	\$0	\$0
NET FUND CHG INCRE IDECRE	(\$31,046)	(\$58,383)	\$21	\$1	\$14,201	(\$75,206)

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
BALANCE SHEET
As of October 31, 2015

ASSETS

CURRENT ASSETS

Cash	\$	351,497.59
Savings P V Fed Cr Union		978.36
Receivables Property Taxes		460,795.10
Sales Taxes Receivables		52,986.00
Mun Ct Fines Receivables/Payb		2,285.40
Due From Eco Dev B Corp		240.00
Due From Water & Sewer Fund		291,500.33
Due From Crime Control		1,428.57
Property Taxes Pay\Rec		<u>24,544.42</u>

Total Current Assets \$ 1,186,255.77

PROPERTY AND EQUIPMENT

TOTAL ASSETS \$ 1,186,255.77

LIABILITIES AND EQUITY

CURRENT LIABILITIES

Deferred Prop Tax Revenue	\$	460,795.10
Ace Pay PV Eco Dev Corp B		20,911.30
Accrued Lia Prof Fees Payable		17,333.34
Accrued Liab others Payable		1,950.00
Accrued Payroll Taxes Payable		1,445.20
401 K Emp. & Valic Emp.Ins. payable		(131.84)
Empl. Disability Ins. Payable		(5,263.73)
Garnishments/child support		679.97
Due to Debt Svc Fund		<u>12,625.00</u>

Total Current Liabilities \$ 510,344.34

LONG-TERM LIABILITIES

Total Liabilities 510,344.34

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
BALANCE SHEET
As of October 31, 2015

FUND EQUITY

Fund Equity Beg. Balance	(1,827,274.69)
Fund Prior Period Adjustment	2,471,389.00
Retained Earnings	<u>31,797.12</u>

Ending Fund Balance 675,911.43

**TOTAL LIABILITIES AND
FUND BALANCE** \$ 1,186,255.77

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
Revenue					
Property Taxes Collected	\$ 12,252.13	\$ 30,375.00	\$ 12,252.13	\$ 30,375.00	\$ -18,122.87
Franchise taxes revenue	23,721.45	23,150.00	23,721.45	23,150.00	571.45
City Sales Tax Revenue	30,276.20	24,166.67	30,276.20	24,166.67	6,109.53
Licenses and permits	565.35	791.67	565.35	791.67	-226.32
Municipal Court Revenue Fines	13,367.45	13,666.67	13,367.45	13,666.67	-299.22
Interest and dividends	139.09	183.34	139.09	183.34	-44.25
Insurance Claims Received	0.00	166.67	0.00	166.67	-166.67
Deliq. Penalty Prop. Tax Rev,	4,245.00	5,833.33	4,245.00	5,833.33	-1,588.33
Sales Tax Street Repairs	7,571.70	6,041.67	7,571.70	6,041.67	1,530.03
Funds - Crime Control Chief Sal	7,045.72	6,058.33	7,045.72	6,058.33	987.39
Less Returns & Allowances	0.00	0.00	0.00	0.00	0.00
Total Revenue	<u>99,184.09</u>	<u>110,433.35</u>	<u>99,184.09</u>	<u>110,433.35</u>	<u>-11,249.26</u>
Gross Revenue	<u>99,184.09</u>	<u>110,433.35</u>	<u>99,184.09</u>	<u>110,433.35</u>	<u>-11,249.26</u>
Ooeratina Expenses					
Salaries and waqes	43,337.50	48,250.01	43,337.50	48,250.01	4,912.51
Payroll Taxes	3,178.87	3,908.33	3,178.87	3,908.33	729.46
Payroll 401 k Expense	1,536.23	3,616.66	1,536.23	3,616.66	2,080.43
Insurance Employees	3,711.38	2,700.00	3,711.38	2,700.00	(1,011.38)
Leqal	500.00	6,525.00	500.00	6,525.00	6,025.00
Accountinq	0.00	2,225.00	0.00	2,225.00	2,225.00
Engineerinq	0.00	83.33	0.00	83.33	83.33
Computer & Software Svc	2,208.91	1,566.67	2,208.91	1,566.67	(642.24)
Auditing	1,333.34	1,333.33	1,333.34	1,333.33	(0.01)
Permit Inspector	0.00	658.33	0.00	658.33	658.33
PROPERTY TAX COLLECTOR	1,500.00	1,500.00	1,500.00	1,500.00	0.00
Electricity	2,437.66	3,200.00	2,437.66	3,200.00	762.34
Telephone	2,173.17	2,558.33	2,173.17	2,558.33	385.16
Employee Bondinq	0.00	41.66	0.00	41.66	41.66
Council Expense	60.00	1,041.67	60.00	1,041.67	981.67
Janitorial - City Hall	200.00	425.00	200.00	425.00	225.00
Supplies-Office	0.00	1,233.33	0.00	1,233.33	1,233.33
Supplies-Operatinq	0.00	600.00	0.00	600.00	600.00
Fuel	0.00	2,233.33	0.00	2,233.33	2,233.33
PostaQe	0.00	341.67	0.00	341.67	341.67
Insurance-Property/Casualty	1,363.49	1,608.33	1,363.49	1,608.33	244.84
Refunds	500.00	500.00	500.00	500.00	0.00
Dues & Subscriptions	0.00	258.34	0.00	258.34	258.34
Contract services	0.00	83.33	0.00	83.33	83.33
Advertising	0.00	300.00	0.00	300.00	300.00
Election Expense	0.00	1,041.67	0.00	1,041.67	1,041.67
Appraisal District Charqes	0.00	1,100.00	0.00	1,100.00	1,100.00
Security System	215.96	275.00	215.96	275.00	59.04
Lease-Equipment & Auto	0.00	1,600.00	0.00	1,600.00	1,600.00
Repairs & Maintenance-M&E	2,130.46	816.67	2,130.46	816.67	(1,313.79)
Recreation & Awards	0.00	83.33	0.00	83.33	83.33
Bank charqes	0.00	25.00	0.00	25.00	25.00
State court cost	0.00	5,058.33	0.00	5,058.33	5,058.33
Repairs & maintenance-Vehicle	250.00	1,983.33	250.00	1,983.33	1,733.33
Repairs-street & bridge	0.00	4,066.67	0.00	4,066.67	4,066.67
Animal Disposal	0.00	416.67	0.00	416.67	416.67
Uniforms & clothing	0.00	166.67	0.00	166.67	166.67
Workshops, Conference, Travel	0.00	1,458.33	0.00	1,458.33	1,458.33
Repairs & maintenance-bldQ	0.00	250.00	0.00	250.00	250.00
Warrant & Atty. Collections	0.00	2,500.00	0.00	2,500.00	2,500.00
Jurv expense	0.00	25.00	0.00	25.00	25.00
Medical Arrest Charqes	0.00	133.33	0.00	133.33	133.33
Continqent Expenses	0.00	1,216.67	0.00	1,216.67	1,216.67

See Accountants' Compilation Report

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
PV volunteer fire department	750.00	750.00	750.00	750.00	0.00
Total Ooeratina Expenses	<u>67,386.97</u>	<u>109,758.32</u>	<u>67,386.97</u>	<u>109,758.32</u>	<u>42,371.35</u>
Oper. Fund Cha (Less)	<u>31,797.12</u>	<u>675.03</u>	<u>31,797.12</u>	<u>675.03</u>	<u>31,122.09</u>
Other Fund Chg. (Less)					
Capital Outlay	<u>0.00</u>	<u>(675.00)</u>	<u>0.00</u>	<u>(675.00)</u>	<u>-675.00</u>
Other Fund Cha (Less)	<u>0.00</u>	<u>(675.00)</u>	<u>0.00</u>	<u>(675.00)</u>	<u>675.00</u>
Net Fund Cha (Less)	<u>31,797.12</u>	<u>0.03</u>	<u>\$ 31,797.12</u>	<u>\$ 0.03</u>	<u>\$ 31,122.09</u>

GENERAL ADMIN. ACCTS - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
Revenue					
Property Taxes Collected	\$ 12,252.13	\$ 30,375.00	\$ 12,252.13	\$ 30,375.00	\$ -18,122.87
Franchise taxes	23,721.45	23,150.00	23,721.45	23,150.00	571.45
City Sales Tax Revenue	30,276.20	24,166.67	30,276.20	24,166.67	6,109.53
Licenses and permits	565.35	791.67	565.35	791.67	-226.32
Interest and dividends	101.38	166.67	101.38	166.67	-65.29
Deliq. Penalty Prop. Tax Rev,	4,245.00	5,833.33	4,245.00	5,833.33	-1,588.33
Sales Tax Street Repairs	7,571.70	6,041.67	7,571.70	6,041.67	1,530.03
Total Revenue	<u>78,733.21</u>	<u>90,525.01</u>	<u>78,733.21</u>	<u>90,525.01</u>	<u>-11,791.80</u>
Gross Revenue	<u>78,733.21</u>	<u>90,525.01</u>	<u>78,733.21</u>	<u>90,525.01</u>	<u>-11,791.80</u>
Ooeratina Exoenses					
Salaries and waqes	10,123.24	10,716.67	10,123.24	10,716.67	593.43
Payroll Taxes	735.97	866.67	735.97	866.67	130.70
Payroll 403b Expense	302.17	733.33	302.17	733.33	431.16
Insurance Employees	956.76	850.00	956.76	850.00	(106.76)
Leqal	0.00	5,525.00	0.00	5,525.00	5,525.00
Accounting	0.00	2,225.00	0.00	2,225.00	2,225.00
Engineering	0.00	83.33	0.00	83.33	83.33
Computer & Software Svc	0.00	800.00	0.00	800.00	800.00
Auditing	1,333.34	1,333.33	1,333.34	1,333.33	(0.01)
Permit Inspector	0.00	658.33	0.00	658.33	658.33
Property Tax Collector	1,500.00	1,500.00	1,500.00	1,500.00	0.00
Electricity	1,857.66	2,600.00	1,857.66	2,600.00	742.34
Telephone	833.82	1,200.00	833.82	1,200.00	366.18
Employee Bonding	0.00	25.00	0.00	25.00	25.00
Council Expense	60.00	1,041.67	60.00	1,041.67	981.67
Janitorial - City Hall	200.00	425.00	200.00	425.00	225.00
Supplies-office	0.00	1,033.33	0.00	1,033.33	1,033.33
Supplies-operating	0.00	83.33	0.00	83.33	83.33
Fuel	0.00	283.33	0.00	283.33	283.33
Postaqe	0.00	250.00	0.00	250.00	250.00
Insurance-property/casualty	384.00	450.00	384.00	450.00	66.00
Refunds - Sales Taxes	500.00	500.00	500.00	500.00	0.00
Dues & subscriptions	0.00	166.67	0.00	166.67	166.67
Contract services	0.00	83.33	0.00	83.33	83.33
Advertising	0.00	300.00	0.00	300.00	300.00
Election expense	0.00	1,041.67	0.00	1,041.67	1,041.67
Appraisal district charges	0.00	1,100.00	0.00	1,100.00	1,100.00
Security System	215.96	275.00	215.96	275.00	59.04
Lease-Equipment	0.00	550.00	0.00	550.00	550.00
Repairs & maintenance-m&e	710.16	266.67	710.16	266.67	(443.49)
Recreation & Awards	0.00	83.33	0.00	83.33	83.33
Bank charges	0.00	8.33	0.00	8.33	8.33
Repairs & maintenance-Vehicle	0.00	200.00	0.00	200.00	200.00
Street Maint & Grass Cutting	0.00	4,066.67	0.00	4,066.67	4,066.67
Animal Control	0.00	416.67	0.00	416.67	416.67
Workshops, Conf. & Travel	0.00	958.33	0.00	958.33	958.33
Repairs & maintenance bldq	0.00	250.00	0.00	250.00	250.00
Warrant & Atty. Collections	0.00	2,500.00	0.00	2,500.00	2,500.00
Contingent Expenses	0.00	1,216.67	0.00	1,216.67	1,216.67
PV volunteer fire department	750.00	750.00	750.00	750.00	.00
Total Ooeratina Exoenses	<u>20,463.08</u>	<u>47,416.66</u>	<u>20,463.08</u>	<u>47,416.66</u>	<u>26,953.58</u>
Ooer. Fund Cha (Less)	<u>58,270.13</u>	<u>43,108.35</u>	<u>58,270.13</u>	<u>43,108.35</u>	<u>15,161.78</u>

Other Fund Chg. (Less)

GENERAL ADMIN. ACCTS - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
Net Fund Cha (Less)	<u>\$ 58,270.13</u>	<u>\$ 43,111.35</u>	<u>58,270.13</u>	<u>\$ 43,111.35</u>	<u>\$ 15,158.78</u>

POLICE DEPT. ACCTS - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	October 31, Actual	October 31, Budget	October 31, 2015 Actual	October 31, 2015 Budget	Over / Under Variance
Revenue					
Interest and dividends	\$ 1.96	\$ 0.00	\$ 1.96	\$ 0.00	\$ 1.96
Police Grant Funds	0.00	166.67	0.00	166.67	-166.67
Funds - Crime Control Chief Sal	7,045.72	6,058.33	7,045.72	6,058.33	987.39
Total Revenue	<u>7,047.68</u>	<u>6,225.00</u>	<u>7,047.68</u>	<u>6,225.00</u>	<u>822.68</u>
 Gross Revenue	 <u>7,047.68</u>	 <u>6,225.00</u>	 <u>7,047.68</u>	 <u>6,225.00</u>	 <u>822.68</u>
Operatina Expenses					
Salaries and waqes	26,433.02	29,591.67	26,433.02	29,591.67	3,158.65
Payroll Taxes	1,924.13	2,383.33	1,924.13	2,383.33	459.20
Payroll 403b Expense	945.95	2,258.33	945.95	2,258.33	1,312.38
Insurance Employees	2,599.06	1,733.33	2,599.06	1,733.33	(865.73)
Computer services	0.00	541.67	0.00	541.67	541.67
Electricity	290.00	300.00	290.00	300.00	10.00
Telephone	971.35	983.33	971.35	983.33	11.98
Employee Bonding	0.00	8.33	0.00	8.33	8.33
Supplies-office	0.00	150.00	0.00	150.00	150.00
Supplies-operating	0.00	516.67	0.00	516.67	516.67
Fuel	0.00	1,950.00	0.00	1,950.00	1,950.00
Postage	0.00	50.00	0.00	50.00	50.00
Insurance-property/casualty	908.24	1,083.33	908.24	1,083.33	175.09
Dues & subscriptions	0.00	41.67	0.00	41.67	41.67
Lease-Equipment & Auto	0.00	508.33	0.00	508.33	508.33
Repairs & maintenance-m&e	710.16	283.33	710.16	283.33	(426.83)
Repairs & maintenance-Vehicle	250.00	1,783.33	250.00	1,783.33	1,533.33
Uniforms & clothing	0.00	166.67	0.00	166.67	166.67
Workshops, Cont. & Travel	0.00	333.33	0.00	333.33	333.33
Medical Arrest Charqes	0.00	133.33	0.00	133.33	133.33
Total Operatina Expenses	<u>35,031.91</u>	<u>44,799.98</u>	<u>35,031.91</u>	<u>44,799.98</u>	<u>9,768.07</u>
Ooer. Fund Cha (Less)	<u>(27,984.23)</u>	<u>(38,574.98)</u>	<u>(27,984.23)</u>	<u>(38,574.98)</u>	<u>10,590.75</u>
Other Fund Chg. (Less)					
Capital Outlay	<u>0.00</u>	<u>(458.33)</u>	<u>0.00</u>	<u>(458.33)</u>	<u>-458.33</u>
Other Fund Cha (Less)	<u>0.00</u>	<u>(458.33)</u>	<u>0.00</u>	<u>(458.33)</u>	<u>458.33</u>
Net Fund Cha (Less)	<u>\$ (27,984.23)</u>	<u>\$ (39,033.31)</u>	<u>\$ (27,984.23)</u>	<u>\$ (39,033.31)</u>	<u>.i .11,049.08</u>

MUNI. COURT ACCTS - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
Revenue					
Municipal Court Revenue Fines	\$ 13,367.45	\$ 13,666.67	\$ 13,367.45	\$ 13,666.67	\$ -299.22
Interest and dividends	35.75	16.67	35.75	16.67	19.08
Total Revenue	<u>13,403.20</u>	<u>13,683.34</u>	<u>13,403.20</u>	<u>13,683.34</u>	<u>-280.14</u>
Gross Revenue	<u>13,403.20</u>	<u>13,683.34</u>	<u>13,403.20</u>	<u>13,683.34</u>	<u>-280.14</u>
Operatina Expenses					
Salaries and waQes	6,781.24	7,941.67	6,781.24	7,941.67	1,160.43
Payroll Taxes	518.77	658.33	518.77	658.33	139.56
Payroll 401 K Expense	288.11	625.00	288.11	625.00	336.89
Insurance Employees	155.56	116.67	155.56	116.67	(38.89)
LeQal	500.00	1,000.00	500.00	1,000.00	500.00
Computer services	2,208.91	225.00	2,208.91	225.00	(1,983.91)
Electricity	290.00	300.00	290.00	300.00	10.00
Telephone	368.00	375.00	368.00	375.00	7.00
Employee BondinQ	0.00	8.33	0.00	8.33	8.33
Supplies-office	0.00	50.00	0.00	50.00	50.00
PostaQe	0.00	41.67	0.00	41.67	41.67
Insurance-property/casualty	71.25	75.00	71.25	75.00	3.75
Dues & subscriptions	0.00	50.00	0.00	50.00	50.00
Lease-Equipment & Auto	0.00	541.67	0.00	541.67	541.67
Repairs & maintenance-m&e	710.14	266.67	710.14	266.67	(443.47)
Bank charQes	0.00	16.67	0.00	16.67	16.67
State court cost	0.00	5,058.33	0.00	5,058.33	5,058.33
Workshops, Conf. & Travel	0.00	166.67	0.00	166.67	166.67
Jury expense	0.00	25.00	0.00	25.00	25.00
Total Operatina Expenses	<u>11,891.98</u>	<u>17,541.68</u>	<u>11,891.98</u>	<u>17,541.68</u>	<u>5,649.70</u>
Oper. Fund Cha (Less)	<u>1,511.22</u>	<u>(3,858.34)</u>	<u>1,511.22</u>	<u>(3,858.34)</u>	<u>5,369.56</u>
Other Fund Chg. (Less)					
Capital Outlay	<u>0.00</u>	<u>(216.67)</u>	<u>0.00</u>	<u>(216.67)</u>	<u>-216.67</u>
Other Fund Cha (Less)	<u>0.00</u>	<u>(216.67)</u>	<u>0.00</u>	<u>(216.67)</u>	<u>216.67</u>
Net Fund Cha (Less)	<u>1,511.22</u>	<u>(4,075.01)</u>	<u>1,511.22</u>	<u>(4,075.01)</u>	<u>5,586.23</u>

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	1101.06	Cash - Petty Cash Muni Court	300.00		
				<u>0.00</u>	<u>300.00</u>
	1101.08	Cash - Petty Cash Police Dept	150.00		
				<u>0.00</u>	<u>150.00</u>
	1101.09	Cash - Petty Cash Secretary	150.00		
				<u>0.00</u>	<u>150.00</u>
	1101.15	Cash - Petty Cash Treasurer	150.00		
				<u>0.00</u>	<u>150.00</u>
	1101.29	Cash - Prosp Bk Muni Ct Bldg	15,610.21		
10/31/15	GA001	INT INC		<u>5.30</u>	
				<u>5.30</u>	<u>15,615.51</u>
	1101.30	CASH - Prosp Bk Hotel Occu Tax	141.99		
10/31/15	GA014	INT INC		<u>0.05</u>	
				<u>0.05</u>	<u>142.04</u>
	1101.31	Cash - Prosp Bk Muni Court	71,605.16		
10/01/15	6899	SUN COAST RESOURCES		(5,433.89)	
10/01/15	6900	TYLER TECHNOLOGIES		(2,208.91)	
10/13/15	6901	DARRELL GLOVEFR		(250.00)	
10/15/15	6902	AT&T		(529.44)	
10/15/15	6903	LONE STAR LUBE		(249.94)	
10/15/15	6904	SPRINT		(330.91)	
10/15/15	6905	TANGELIAFELTON		(500.00)	
10/15/15	6906	GALLS		(66.95)	
10/15/15	6907	OMNIBASE		(144.00)	
10/29/15	6908	STATE TREASURY		(19,046.19)	
10/31/15	GA002	INT INC		23.82	
10/31/15	GA011	MUNI CT REV COLLECTED		<u>11,082.05</u>	
				<u>(17,654.36)</u>	<u>53,950.80</u>
	1101.32	Cash - Prosp Bk Tax Dept	242,896.77		
10/01/15	1211	GENERAL FUND BK ACCT		(80,000.00)	
10/31/15	GA003	INT INC		58.73	
10/31/15	GA016	PROP TAX COLL		<u>11,471.80</u>	
				<u>(68,469.47)</u>	<u>174,427.30</u>
	1101.33	Cash - Prosp Bk General Acct	(2,966.59)		
10/01/15	1211	GENERAL FUND BK ACCT		80,000.00	
10/01/15	17727	OFFICE DEPOT		(1,449.95)	
10/01/15	17728	PV VOL FIRE DEPT		(750.00)	
10/01/15	17729	TX ASSO BLK COUNCILMEM		(130.00)	
10/01/15	17730	TEXAS COMPTROLLER		(500.00)	
10/01/15	17731	WALMART		(237.35)	
10/01/15	17735	PITNEY BOWES		(1,110.00)	
10/14/15	17736	PAYROLL BANK		(19,680.80)	
10/14/15	17737	GOGGINS BLAIR		(188.98)	
10/15/15	17738	AT&T		(796.44)	

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference	T	Description	Beginning Balance	Current Amount	YTD Balance
1101.33 Cash - Prosp Bk General Acct (cont.)						
10/15/15	17739		LINEBARGAR GOGGINS		(1,883.40)	
10/15/15	17740		NATIONAL FAMILY CARE		(376.50)	
10/15/15	17741		TML INTERGOVT RISK POOL		(2,738.24)	
10/15/15	17742		WALLERISD		(1,500.00)	
10/15/15	17743		WASHINGTON NATIONAL CO		(500.00)	
10/15/15	17744		WALLER CO NEWS		(91.80)	
10/15/15	17745		ARNETTA RICE		(200.00)	
10/15/15	17746		AT&T		(613.38)	
10/15/15	17747		BRINKS HOME SECURITY		(215.96)	
10/15/15	17748		DIRECTTV		(49.53)	
10/15/15	17749		TLC TONERLAND		(1,730.62)	
10/26/15	17750		PV 4B ECO DEV BANK		(14,466.18)	
10/26/15	17751		STREET MAINT FUND BK		(4,235.64)	
10/29/15	17752		PAYROLL BK ACCT		(19,354.84)	
10/29/15	17753		LINBERGER GOGGINS		(188.98)	
10/30/15	17754		AETNA INS		(6,618.64)	
10/30/15	17755		OLSON & OLSON		(11,354.00)	
10/30/15	17756		HOU GAL AREA COUNCIL		(60.00)	
10/31/15	GA004		INT INC		35.28	
10/31/15	GA013		SALES TAX REV COLL		50,634.11	
10/31/15	GA018		VARIOUS REV TO GENERAL FUND		29,762.95	
10/31/15	GA020		TRANS FUNDS TO PAYROLL		(1,000.00)	
10/31/15	GA030		CITY EMP 403B PAYMENT		(2,521.79)	
					<u>65,889.32</u>	<u>62,922.73</u>
1101.34 Cash - Prosp Bk Police Educa				1,903.97		
10/31/15	GA005		INT INC		0.65	
					<u>0.65</u>	<u>1,904.62</u>
1101.36 CASH Prosp Bk Muni Ct Tech Fund				19,518.38		
10/31/15	GA006		INT INC		6.63	
					<u>6.63</u>	<u>19,525.01</u>
1101.37 CASH - Prosp Bk Payroll				6,900.62		
10/14/15	17736		PAYROLL BANK		19,680.80	
10/29/15	17752		PAYROLL BK ACCT		19,354.84	
10/31/15	GA007		INT INC		1.70	
10/31/15	GA019		GARNISHMENTS PAID		(1,116.00)	
10/31/15	GA020		TRANS FUNDS TOPAYROLL		1,000.00	
10/31/15	GA021		PAYROLL GENERAL FUND		(7,136.51)	
10/31/15	GA022		POLICE PAYROLL		(19,120.70)	
10/31/15	GA023		PUBLIC WOR(S PAYROLL		(9,940.39)	
10/31/15	GA024		MUNI COURT PAYROLL		(5,211.94)	
10/31/15	GA025		PAYROLL941EXPENSE		(7,291.55)	
10/31/15	GA025		PAYROLL941EXPENSE		(7,548.86)	
10/31/15	GA025		PAYROLL941EXPENSE		(7,019.86)	
10/31/15	GA025		PAYROLL941EXPENSE		(1,190.79)	
10/31/15	GA032		TRF PUBLIC WKS TRANSFER TOPAYROLL		9,249.91	
10/31/15	GA034		TRF PUBLIC WOR(S PAYROLL TRANS		7,692.71	
					<u>(8,596.64)</u>	<u>(1,696.02)</u>
1101.40 Cash-Prosp Bk Police Drug Fund				3,850.93		
10/31/15	GA008		INT INC		131	
					<u>131</u>	<u>3,852.24</u>

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	1101.41	Cash-Prospect Bk Street Maintenance Fund	15,862.10		
10/26/15	17751	STREET MAINT FUND BK		4,235.64	
10/31/15	GA009	INT INC		5.62	
				<u>4,241.26</u>	<u>20,103.36</u>
	1106	Savings P V Fed Cr Union	978.36		
				<u>0.00</u>	<u>978.36</u>
	1112	Receivables Property Taxes	104,113.11		
10/31/15	GA028	PROP TAX REV OFFSET		(12,252.13)	
10/31/15	GA029	M&O PROP TAX BILLED YEAR 2015		368,934.12	
				<u>356,681.99</u>	<u>460,795.10</u>
	1114	Sales Taxes Receivables	50,634.11		
10/31/15	GA012	SALES TAX REV		52,986.00	
10/31/15	GA013	SALES TAX REV COLL		(50,634.11)	
				<u>2,351.89</u>	<u>52,986.00</u>
	1115	Mun Ct Fines Receivables/Payb	0.00		
10/31/15	GA010	MUNI CT REV		13,367.45	
10/31/15	GA011	MUNI CT REV COLLECTED		(11,082.05)	
				<u>2,285.40</u>	<u>2,285.40</u>
	1118	Due From Eco Dev B Corp	240.00		
				<u>0.00</u>	<u>240.00</u>
	1119	Due From Water & Sewer Fund	292,806.25		
10/15/15	6902	AT&T		26.00	
10/01/15	17735	PITNEY BOWES		277.50	
10/15/15	17738	AT&T		40.00	
10/15/15	17741	TML INTERGOVT RISK POOL		178.00	
10/15/15	17741	TML INTERGOVT RISK POOL		384.00	
10/15/15	17746	AT&T		31.00	
10/15/15	17749	TLC TONERLAND		432.66	
10/30/15	17754	AETNA INS		1,459.39	
10/31/15	GA023	PUBLIC WORKS PAYROLL		14,332.66	
10/31/15	GA025	PAYROLL941EXPENSE		1,057.98	
10/31/15	GA026	EMPLOYEE SHARE MEDICAL INS		(503.04)	
10/31/15	GA030	CITY EMP 403B PAYMENT		308.68	
10/31/15	GA031	TRF CK13449 SAN BERNARD ELEC		(2,090.12)	
10/31/15	GA032	TRF PUBLIC WKS TRANSFER TOPAYROLL		(9,249.91)	
10/31/15	GA033	TRF RELIANT ELEC CK! 3468		(298.01)	
10/31/15	GA034	TRF PUBLIC WORKS PAYROLL TRANS		(7,692.71)	
				<u>(1,305.92)</u>	<u>291,500.33</u>
	1120	Due From Crime Control	(5,617.15)		
10/31/15	GA017	POLICE PAID BY CRIME CONTROL		7,045.72	
				<u>7,045.72</u>	<u>1,428.57</u>
	1121	Accrued Revenue Receivable	5,476.15		
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(232.23)	
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(375.59)	

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	1121	Accrued Revenue Receivable (cont.)			
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(4,868.33)	
				<u>(5,476.15)</u>	<u>0.00</u>
	1216	Deferred Prop Tax Revenue	(104,113.11)		
10/31/15	GA028	PROP TAX REV OFFSET		12,252.13	
10/31/15	GA029	M&O PROP TAX BILLED YEAR 2015		(368,934.12)	
				<u>(356,681.99)</u>	<u>(460,795.10)</u>
	1218	Property Taxes Pay\Rec	7,140.07		
10/31/15	GA016	PROP TAX COLL		(11,471.80)	
10/31/15	GA027	PROP TAX REV		28,876.15	
				<u>17,404.35</u>	<u>24,544.42</u>
	1220.04	Ace Pay PV Eco Dev Corp B	(20,239.38)		
10/26/15	17750	PV 4B ECO DEV BANK		14,466.18	
10/31/15	GA012	SALES TAX REV		(15,138.10)	
				<u>(671.92)</u>	<u>(20,911.30)</u>
	1221	Accrued Lia Prof Fees Payable	(16,000.00)		
10/31/15	GA015	ACCRUAL AUDITING		(1,333.34)	
				<u>(1,333.34)</u>	<u>(17,333.34)</u>
	1222	Accrued Liab Others Payable	(42,037.47)		
10/01/15	6899	SUN COAST RESOURCES		5,433.89	
10/15/15	6903	LONE STAR LUBE		249.94	
10/15/15	6906	GALLS		66.95	
10/15/15	6907	OMNI BASE		144.00	
10/29/15	6908	STATE TREASURY		19,046.19	
10/01/15	17727	OFFICE DEPOT		1,449.95	
10/01/15	17729	TX ASSO BLK COUNCIL MEM		130.00	
10/01/15	17731	WALMART		237.35	
10/15/15	17739	LINEBARGAR GOGGINS		1,883.40	
10/15/15	17744	WALLER CO NEWS		91.80	
10/30/15	17755	OLSON & OLSON		11,354.00	
				<u>40,087.47</u>	<u>(1,950.00)</u>
	1230	FICA taxes payable	0.00		
10/31/15	GA021	PAYROLL GENERAL FUND		(735.97)	
10/31/15	GA022	POLICE PAYROLL		(1,924.13)	
10/31/15	GA023	PUBLIC WORKS PAYROLL		(1,057.98)	
10/31/15	GA024	MUNI COURT PAYROLL		(518.77)	
10/31/15	GA025	PAYROLL941EXPENSE		4,236.85	
				<u>0.00</u>	<u>0.00</u>
	1231	Payroll taxes payable	0.00		
10/31/15	GA021	PAYROLL GENERAL FUND		(1,274.76)	
10/31/15	GA022	POLICE PAYROLL		(2,586.03)	
10/31/15	GA023	PUBLIC WORKS PAYROLL		(1,575.00)	
10/31/15	GA024	MUNI COURT PAYROLL		(659.24)	
10/31/15	GA025	PAYROLL941EXPENSE		6,095.03	
				<u>0.00</u>	<u>0.00</u>

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
		1232 Accrued Payroll Taxes Payable	(9,927.53)		
10/31/15	GA025	PAYROLL 941 EXPENSE		8,482.33	
				<u>8,482.33</u>	<u>(1,445.20)</u>
		1233 Medical insurance payable	0.00		
10/31/15	GA021	PAYROLL GENERAL FUND		(744.44)	
10/31/15	GA022	POLICE PAYROLL		(1,508.14)	
10/31/15	GA023	PUBLIC WORKS PAYROLL		(503.04)	
10/31/15	GA024	MUNICOURTPAYROLL		(8.04)	
10/31/15	GA026	EMPLOYEE SHARE MEDICAL INS		2,763.66	
				<u>0.00</u>	<u>0.00</u>
		1235 401K Emp. & Valic Emp.Ins. payable	812.81		
10/31/15	GA021	PAYROLL GENERAL FUND		(113.62)	
10/31/15	GA022	POLICE PAYROLL		(592.96)	
10/31/15	GA023	PUBLIC WORKS PAYROLL		(268.02)	
10/31/15	GA024	MUNI COURT PAYROLL		(383.25)	
10/31/15	GA030	CITY EMP 403B PAYMENT		676.88	
				<u>(680.97)</u>	<u>131.84</u>
		1237 Empl. Disability Ins. Payable	4,801.49		
10/15/15	17740	NATIONAL FAMILY CARE		376.50	
10/15/15	17743	WASHINGTON NATIONAL CO		500.00	
10/31/15	GA021	PAYROLL GENERAL FUND		(117.94)	
10/31/15	GA022	POLICE PAYROLL		(188.06)	
10/31/15	GA023	PUBLIC WORKS PAYROLL		(108.26)	
				<u>462.24</u>	<u>5,263.73</u>
		1239 Garnishments/child support	(780.96)		
10/14/15	17737	GOGGINS BLAIR		188.98	
10/29/15	17753	LINBERGER GOGGINS		188.98	
10/31/15	GA019	GARNISHMENTS PAID		1,116.00	
10/31/15	GA022	POLICE PAYROLL		(513.00)	
10/31/15	GA023	PUBLIC WORKS PAYROLL		(879.97)	
				<u>100.99</u>	<u>(679.97)</u>
		1244 Due to Debt Svc Fund	(245.98)		
10/31/15	GA027	PROP TAX REV		(12,379.02)	
				<u>(12,379.02)</u>	<u>(12,625.00)</u>
		1316.01 Fund Equity Bal Beg	1,827,274.69		
				<u>0.00</u>	<u>1,827,274.69</u>
		1318 Fnd Equity Prior Period Adj.	(2,471,389.00)		
				<u>0.00</u>	<u>(2,471,389.00)</u>
		1401.01 Property Taxes Collected	0.00		
10/31/15	GA027	PROP TAX REV		(12,252.13)	
				<u>(12,252.13)</u>	<u>(12,252.13)</u>
		1401.03 Franchise taxes	0.00		

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
1401.03 Franchise taxes (cont.)					
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(23,721.45)	
				<u>(23,721.45)</u>	<u>(23,721.45)</u>
1401.04 City Sales Tax Revenue			0.00		
10/31/15	GA012	SALES TAX REV		(30,276.20)	
				<u>(30,276.20)</u>	<u>(30,276.20)</u>
1402 Licenses and permits			0.00		
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(3.90)	
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(15.00)	
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(186.45)	
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(200.00)	
10/31/15	GA018	VARIOUS REV TO GENERAL FUND		(160.00)	
				<u>(565.35)</u>	<u>(565.35)</u>
1406 Interest and dividends			0.00		
10/31/15	GA003	INT INC		(58.73)	
10/31/15	GA004	INT INC		(35.28)	
10/31/15	GA007	INT INC		(1.70)	
10/31/15	GA009	INT INC		(5.62)	
10/31/15	GA014	INT INC		(0.05)	
				<u>(101.38)</u>	<u>(101.38)</u>
1409 Deliq. Penalty Prop. Tax Rev,			0.00		
10/31/15	GA027	PROP TAX REV		(2,139.02)	
10/31/15	GA027	PROP TAX REV		(2,105.98)	
				<u>(4,245.00)</u>	<u>(4,245.00)</u>
1413 Sales Tax Street Repairs			0.00		
10/31/15	GA012	SALES TAX REV		(7,571.70)	
				<u>(7,571.70)</u>	<u>(7,571.70)</u>
1601 Salaries and wages			0.00		
10/31/15	GA021	PAYROLL GENERAL FUND		10,123.24	
				<u>10,123.24</u>	<u>10,123.24</u>
1604 Payroll Taxes			0.00		
10/31/15	GA025	PAYROLL941EXPENSE		735.97	
				<u>735.97</u>	<u>735.97</u>
1604.04 Payroll 403b Expense			0.00		
10/31/15	GA030	CITY EMP 4038 PAYMENT		302.17	
				<u>302.17</u>	<u>302.17</u>
1611 Insurance Employees			0.00		
10/15/15	17741	TML INTERGOVT RISK POOL		238.00	
10/30/15	17754	AETNA INS		1,463.20	
10/31/15	GA026	EMPLOYEE SHARE MEDICAL INS		(744.44)	
				<u>956.76</u>	<u>956.76</u>

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GENERAL FUND ACCOUNTS • PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	1625 Auditing		0.00		
10/31/15	GA015	ACCRUAL AUDITING		1,333.34	
				<u>1,333.34</u>	<u>1,333.34</u>
	1627 Property Tax Collector		0.00		
10/15/15	17742	WALLERISD		1,500.00	
				<u>1,500.00</u>	<u>1,500.00</u>
	1701.01 Electricity		0.00		
10/15/15	17748	DIRECTTV		49.53	
10/31/15	GA031	TRF CK13449 SAN BERNARD ELEC		1,510.12	
10/31/15	GA033	TRF RELIANT ELEC CK13468		298.01	
				<u>1,857.66</u>	<u>1,857.66</u>
	1703 Telephone		0.00		
10/15/15	6902	AT&T		227.44	
10/15/15	17738	AT&T		342.00	
10/15/15	17746	AT&T		264.38	
				<u>833.82</u>	<u>833.82</u>
	1901 Council Expense		0.00		
10/30/15	17756	HOU GAL AREA COUNCIL		60.00	
				<u>60.00</u>	<u>60.00</u>
	1902 Janitorial - City Hall		0.00		
10/15/15	17745	ARNETTA RICE		200.00	
				<u>200.00</u>	<u>200.00</u>
	1909 Insurance-property/casualty		0.00		
10/15/15	17741	TML INTERGOVT RISK POOL		384.00	
				<u>384.00</u>	<u>384.00</u>
	1911 Refunds - Sales Taxes		0.00		
10/01/15	17730	TEXAS COMPTROLLER		500.00	
				<u>500.00</u>	<u>500.00</u>
	1920 Security System		0.00		
10/15/15	17747	BRINKS HOME SECURITY		215.96	
				<u>215.96</u>	<u>215.96</u>
	1922 Repairs & maintenance-m&e		0.00		
10/01/15	17735	PITNEY BOWES		277.50	
10/15/15	17749	TLC TONERLAND		432.66	
				<u>710.16</u>	<u>710.16</u>
	1951 PV volunteer fire department		0.00		
10/01/15	17728	PV VOL FIRE DEPT		750.00	
				<u>750.00</u>	<u>750.00</u>

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
		2406 Interest and dividends	0.00		
10/31/15	GA005	INT INC		(0.65)	
10/31/15	GA008	TNT INC		(1.31)	
				<u>(1.96)</u>	<u>(1.96)</u>
		2420 Funds - Crime Control Chief Salary	0.00		
10/31/15	GA017	POLICE PAID BY CRIME CONTROL		(7,045.72)	
				<u>(7,045.72)</u>	<u>(7,045.72)</u>
		2601 Salaries and wages	0.00		
10/31/15	GA022	POLICE PAYROLL		26,433.02	
				<u>26,433.02</u>	<u>26,433.02</u>
		2604 Payroll Taxes	0.00		
10/31/15	GA025	PAYROLL 941 EXPENSE		1,924.13	
				<u>1,924.13</u>	<u>1,924.13</u>
		2604.04 Payroll 403b Expense	0.00		
10/31/15	GA030	CITY EMP 403B PAYMENT		945.95	
				<u>945.95</u>	<u>945.95</u>
		2611 Insurance Employees	0.00		
10/15/15	17741	TML INTERGOVT RISK POOL		426.75	
10/30/15	17754	AETNA INS		3,680.45	
10/31/15	GA026	EMPLOYEE SHARE MEDICAL INS		U,508.14)	
				<u>2,599.06</u>	<u>2,599.06</u>
		2701.01 Electricity	0.00		
10/31/15	GA031	TRF CK13449 SAN BERNARD ELEC		290.00	
				<u>290.00</u>	<u>290.00</u>
		2703 Telephone	0.00		
10/15/15	6902	AT&T		175.00	
10/15/15	6904	SPRINT		330.91	
10/15/15	17738	AT&T		263.44	
10/15/15	17746	AT&T		202.00	
				<u>971.35</u>	<u>971.35</u>
		2909 Insurance-property/casualty	0.00		
10/15/15	17741	TML INTERGOVT RISK POOL		908.24	
				<u>908.24</u>	<u>908.24</u>
		2922 Repairs & maintenance-m&e	0.00		
10/01/15	17735	PITNEY BOWES		277.50	
10/15/15	17749	TLC TONERLAND		432.66	
				<u>710.16</u>	<u>710.16</u>
		2929 Repairs & maintenance-Vehicle	0.00		
10/13/15	6901	DARRELL GLOVEFR		250.00	
				<u>250.00</u>	<u>250.00</u>

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	3404	Municipal Court Revenue Fines	0.00		
10/31/15	GA010	MUNI CT REV		(13,367.45)	
				<u>(13,367.45)</u>	<u>(13,367.45)</u>
	3406	Interest and dividends	0.00		
10/31/15	GA001	INT INC		(5.30)	
[0/31/15	GA002	INT INC		(23.82)	
10/31/15	GA006	INT INC		{6.63}	
				<u>(35.75)</u>	<u>(35.75)</u>
	3601	Salaries and wages	0.00		
10/31/15	GA024	MUNI COURT PAYROLL		6,781.24	
				<u>6,781.24</u>	<u>6,781.24</u>
	3604	Payroll Taxes	0.00		
10/31/15	GA025	PAYROLL941EXPENSE		518.77	
				<u>518.77</u>	<u>518.77</u>
	3604.04	Payroll 401K Expense	0.00		
10/31/15	GA030	CITY EMP 403B PAYMENT		288.11	
				<u>288.11</u>	<u>288.11</u>
	3611	Insurance Employees	0.00		
10/15/15	17741	TML INTERGOVT RISK POOL		148.00	
10/30/15	17754	AETNA INS		15.60	
10/31/15	GA026	EMPLOYEE SHARE MEDICAL INS		(8.04)	
				<u>155.56</u>	<u>155.56</u>
	3621	Legal	0.00		
10/15/15	6905	TANGELIA FELTON		500.00	
				<u>500.00</u>	<u>500.00</u>
	3624	Computer services	0.00		
10/01/15	6900	TYLER TECHNOLOGIES		2,208.91	
				<u>2,208.91</u>	<u>2,208.91</u>
	3701.01	Electricity	0.00		
10/31/15	GA031	TRF CK13449 SAN BERNARD ELEC		290.00	
				<u>290.00</u>	<u>290.00</u>
	3703	Telephone	0.00		
10/15/15	6902	AT&T		101.00	
[0/15/15	17738	AT&T		151.00	
10/15/15	17746	AT&T		116.00	
				<u>368.00</u>	<u>368.00</u>
	3909	Insurance-property/casualty	0.00		
10/15/15	17741	TML INTERGOVT RISK POOL		71.25	
				<u>71.25</u>	<u>71.25</u>

GENERAL FUND ACCOUNTS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	3922	Repairs & maintenance-m&e	0.00		
10/01/15	17735	PITNEY BOWES		277.50	
10/15/15	17749	TLC TONERLAND		432.64	
				<u>710.14</u>	<u>710.14</u>
Current Profit/(Loss)		<u>31,797.12</u>	YTD Profit/(Loss)		<u>31,797.12</u>
Number of Transactions		221	The General Ledger is in balance		
					<u>0.00</u>

PUBLIC WORKS - PRAIRIE VIEW, TX
BALANCE SHEET
As of October 31, 2015

ASSETS

CURRENT ASSETS

Cash - Prosp Bk Public Works	\$ 95,205.32
Cash - Prosp. Bk Wtr Swr Escrow	71,051.58
Cash-Prosp Bk 2007 Water & Sewer Bo	357.86
Cash - Water Well #3 Project	10,755.28
General Obligation Bonds - Series 2011	835,138.91
Certificates of Obligation Series 2011	28,211.49
Account Receivables W & S	460,677.47
Allowance for Bed Debt Ace Re	<u>(20,000.00)</u>

Total Current Assets

1,481,397.91

PROPERTY AND EQUIPMENT

Land	1.00
Improvements (Ex Bldg) W&S	4,603.00
Machinery and Equipment W&S	389,323.13
Equipment Large Water Meters	13,185.00
Sewer Jet Sewer Mechine	31,625.00
Pumps & Equip. - Alta Vista Lift Station	227,954.99
Pumps & Equip. - Antoinitte Lift Station	8,497.25
Water & Sewer Main Connections & Met	501,697.05
Pumps & Equip - Crowhurst Liftstation	52,422.50
Pump & Equip - Greensfield Lift Station	51,565.00
Generator - Alta Vista	72,469.00
Generator - Crow Hirsch	44,469.00
Riding Tractor Mower John Deer	10,920.60
Const In-Prog High Point LS Force Main	214,201.60
Ford F150 Pickup 2011	14,853.40
Office Equipment W&S	8,540.68
UTILITY SOFTWARE	6,690.00
Furniture and Fixtures W&S	6,006.90
Elevated Water Tower Upgrades	282,725.00
Water Well #2 System	364,099.52
Ground Water Storage Tank	206,575.89
Pump House Water Well	30,010.88
Water Well # 3 System	800,776.16
Water Well #3 Storage Tank	384,000.00
Sewer System Owens Rd	468,848.14
Richard Rd Line Block Grant	413,106.01
Sewer Line Springdale Extension	19,162.00
Investment In Sewer System	2,252,942.00
Less: Accumulated Depreciation	<u>(4,067,000.58)</u>

Net Property and Equipment

2,814,270.12

PUBLIC WORKS - PRAIRIE VIEW, TX
BALANCE SHEET
As of October 31, 2015

TOTAL ASSETS \$ 4,295,668.03



LIABILITIES AND EQUITY

CURRENT LIABILITIES

Acct Pay- Cur PV Univ Wt Wtr	\$	44,133.36
Acct. Pay John Deerr Financial		5,458.35
Unclaimed Checks Payable		1,693.18
Due to General Fund W&S		<u>291,500.33</u>

Total Current Liabilities 342,785.22

LONG-TERM LIABILITIES

Paybl Lg Tim PV Univ Wste Wtr	197,332.64
Customer Utility Deposits	<u>134,884.47</u>

Total Long-Term Liabilities 332,217.11

Total Liabilities 675,002.33

FUND EQUITY

Fund Equity Beg Balance	3,641,251.48
Fund Balance Adjustments	(49,971.63)
Current Change Fund Balance	<u>29,385.85</u>

Ending Fund Equity 3,620,665.70

TOTAL LIABILITIES AND FUND EQUITY \$ 4,295,668.03

PUBLIC WORKS - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month Ended October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
Sales					
Utility Water Revenue	\$ 31,875.93	\$ 28,333.33	\$ 31,875.93	\$ 28,333.33	\$ 3,542.60
Utility Sewer Revenue	44,718.86	37,500.00	44,718.86	37,500.00	7,218.86
Utility Garbage Revenue	16,066.14	16,183.33	16,066.14	16,183.33	-117.19
Utility Connections & Taps Reve	0.00	833.33	0.00	833.33	-833.33
PUBLIC WORKS REV LATE CH	3,460.00	3,000.00	3,460.00	3,000.00	460.00
Interest and Dividends Revenue	62.34	41.67	62.34	41.67	20.67
Interest Revenue Bond Funds	306.35	216.67	306.35	216.67	89.68
Less Returns & Allowances	0.00	0.00	0.00	0.00	0.00
Total Sales	<u>96,489.62</u>	<u>86,108.33</u>	<u>96,489.62</u>	<u>86,108.33</u>	<u>10,381.29</u>
Gross Profit	<u>96,489.62</u>	<u>86,108.33</u>	<u>96,489.62</u>	<u>86,108.33</u>	<u>10,381.29</u>
Operating Expenses					
Contract Meter Reading	1,000.00	1,000.00	1,000.00	1,000.00	0.00
Salaries and waqes	14,332.66	14,466.67	14,332.66	14,466.67	134.01
Payroll Taxes	1,057.98	1,233.33	1,057.98	1,233.33	175.35
Payroll - 401 K Emp Esp	308.68	1,241.67	308.68	1,241.67	932.99
Insurance Employees	1,134.35	833.33	1,134.35	833.33	(301.02)
Software & Computer Svc	0.00	383.33	0.00	383.33	383.33
Electricity	5,287.83	6,500.00	5,287.83	6,500.00	1,212.17
Telephone	1,008.25	1,150.00	1,008.25	1,150.00	141.75
Sewerage Wastewater Charqes	21,082.91	15,000.00	21,082.91	15,000.00	(6,082.91)
Employee Bonding	0.00	8.33	0.00	8.33	8.33
Supplies-office	0.00	16.67	0.00	16.67	16.67
Operating Supplies & Testinq	653.53	1,116.67	653.53	1,116.67	463.14
Fuel	0.00	833.33	0.00	833.33	833.33
Postaqe	0.00	883.33	0.00	883.33	883.33
Insurance-property/casualty	384.00	450.00	384.00	450.00	66.00
Interest-Bonds & Loans	817.94	950.00	817.94	950.00	132.06
Lease- Equip & Mach.	0.00	608.33	0.00	608.33	608.33
Repairs & maintenance-m&e	3,980.96	15,375.00	3,980.96	15,375.00	11,394.04
Bank & Credit Card Chqs	0.00	8.33	0.00	8.33	8.33
Repairs & maintenance-Vehicle	76.95	900.00	76.95	900.00	823.05
Refuse Trash Pickup	15,862.75	14,300.00	15,862.75	14,300.00	(1,562.75)
Uniforms & clothing	114.98	208.33	114.98	208.33	93.35
Workshops, Conf. & Travel	0.00	200.00	0.00	200.00	200.00
Repairs & maintenance-bldq	0.00	716.67	0.00	716.67	716.67
State sales tax	0.00	1,183.33	0.00	1,183.33	1,183.33
Total Operating Expenses	<u>67,103.77</u>	<u>79,566.65</u>	<u>67,103.77</u>	<u>79,566.65</u>	<u>12,462.88</u>
Ooer. Fund Chg. (Less)	<u>29,385.85</u>	<u>6,541.68</u>	<u>29,385.85</u>	<u>6,541.68</u>	<u>22,844.17</u>
Other Fund Chg. (Less)					
NET FUND CHANGE (LESS)	<u>\$ 29,385.85</u>	<u>\$ 6,541.68</u>	<u>\$ 29,385.85</u>	<u>\$ 6,541.68</u>	<u>22,844.17</u>

See Accountants' Compilation Report

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Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
4104.14 Cash - Prosp Bk Public Works			90,338.54		
10/01/15	13448	RELIANT ENERGY		(144.59)	
10/01/15	13449	SAN BERNARD ELEC		(7,233.36)	
10/01/15	13450	JOHN DEER		(303.35)	
10/01/15	13454	BLUEBONNETTGROUND		(423.25)	
10/01/15	13455	ELECTRICAL FIELD SVC		(10,816.85)	
10/01/15	13456	HD SUPPLY		(126.53)	
10/01/15	13457	UNIFIRST HOLDINGS		(172.47)	
10/01/15	13458	AUTO PARTS		(61.95)	
10/08/15	13459	HWGARRETT		(7,983.13)	
10/14/15	13460	PAYROLL TRANSFER		(9,249.91)	
10/15/15	13461	AT&T		(911.25)	
10/15/15	13462	TAK TECH		(600.00)	
10/15/15	13463	SUPER TIRE		(50.00)	
10/15/15	13464	ELECTRICAL FIELD		(2,858.85)	
10/15/15	13465	FLUID METER		(7,310.00)	
10/15/15	13466	AI JANITORIAL		(391.13)	
10/15/15	13467	ALLIED WASTE		(15,862.75)	
10/15/15	13468	RELIANT ENERGY		(298.01)	
10/15/15	13469	BRAZOS COUNTY HEALTH		(120.00)	
10/15/15	13470	UNIFIRST HOLDING		(114.98)	
10/15/15	13471	WALLER CTY PAINT BDY		(26.95)	
10/15/15	13472	CTJVACCUM		(6,300.00)	
10/15/15	13473	NAPA		(110.28)	
10/15/15	13474	RJPLUMBING		(350.00)	
10/15/15	13475	PVAMU		(4,734.00)	
10/15/15	13476	PVAMU		(21,082.91)	
10/29/15	13477	PROSPERITY BK PAYROLL TRANS		(7,692.71)	
10/30/15	13478	DARRELL GLOVER		(500.00)	
10/30/15	13479	CHARLES BOGGESS		(500.00)	
10/31/15	PW001	INTINC		38.22	
10/31/15	PW005	PUBLIC WORKS REVENUE COLLECTED		111,157.77	
				<u>4,866.78</u>	<u>95,205.32</u>
4104.15 Cash - Prosp. Bk Wtr Swr Escrow			69,509.07		
10/01/15	2144	AARON EWOK		(166.88)	
10/06/15	2145	FABIAN MARTINEZ		(155.67)	
10/26/15	2146	BARBARA GADNER		(154.39)	
10/27/15	2147	NICKY E MUONEKE		(100.00)	
10/27/15	2149	LAURA KNAPE		(104.67)	
10/31/15	PW002	INTINC		24.12	
10/31/15	PW013	TRF NEW DEPOSITS		2,200.00	
				<u>1,542.51</u>	<u>71,051.58</u>
4104.16 Cash-Prosp Bk 2007 Water & Sewer Bond Fund			357.74		
10/31/15	PW006	INT INC		0.12	
				<u>0.12</u>	<u>357.86</u>
4104.19 Cash - Water Well #3 Project			10,751.63		
10/31/15	PW007	INTINC		3.65	
				<u>3.65</u>	<u>10,755.28</u>
4104.20 General Obligation Bonds - Series 2011			891,103.41		
10/09/15	1023	H W GARRETT		(46,728.00)	
10/26/15	1024	CLAY & LEYENDECKER		(9,529.50)	
10/31/15	PW008	INT INC		293.00	

PUBLIC WORKS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	4104.20	General Obligation Bonds - Series 2011 (cont.)		<u>(55,964.50)</u>	<u>835,138.91</u>
10/31/15	4104.21 PW009	Certificates of Obligation Series 2011 INT INC	28,201.91	<u>9.58</u>	<u>28,211.49</u>
10/31/15	4114 PW004	Account Receivables W & S PUBLIC WORKS REV	475,714.31	<u>96,120.93</u>	
10/31/15	PW005	PUBLIC WORKS REVENUE COLLECTED		<u>(111,157.77)</u> <u>(15,036.84)</u>	<u>460,677.47</u>
	4115	Allowance for Bed Debt Ace Re	(20,000.00)	<u>0.00</u>	<u>(20,000.00)</u>
	4160	Land	1.00	<u>0.00</u>	<u>1.00</u>
	4162.01	Improvements (Ex Bldg) W&S	4,603.00	<u>0.00</u>	<u>4,603.00</u>
	4163.01	Machinery and Equipment W&S	389,323.13	<u>0.00</u>	<u>389,323.13</u>
10/15/15	4163.02 13465	Equipment Large Water Meters FLUID METER	5,875.00	<u>7,310.00</u> <u>7,310.00</u>	<u>13,185.00</u>
	4163.03	Sewer Jet Sewer Mechine	31,625.00	<u>0.00</u>	<u>31,625.00</u>
	4163.04	Pumps & Equip. - Alta Vista Lift Station Upgrade	227,954.99	<u>0.00</u>	<u>227,954.99</u>
	4163.05	Pumps & Equip. - Antoinitte Lift Station	8,497.25	<u>0.00</u>	<u>8,497.25</u>
	4163.06	Water & Sewer Main Connections & Meters	501,697.05	<u>0.00</u>	<u>501,697.05</u>
	4163.07	Pumps & Equip - Crowhurst Liftstation	52,422.50	<u>0.00</u>	<u>52,422.50</u>
	4163.10	Pump & Equip - Greensfield Lift Station	51,565.00	<u>0.00</u>	<u>51,565.00</u>

PUBLIC WORKS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	4163.11	Generator - Alta Vista	72,469.00	<u>0.00</u>	<u>72,469.00</u>
	4163.12	Generator - Crow Hirsch	44,469.00	<u>0.00</u>	<u>44,469.00</u>
	4163.13	Riding Tractor Mower John Deer	10,920.60	<u>0.00</u>	<u>10,920.60</u>
	4164.12	Const In-Prog High Point LS Force Main	157,944.10		
10/09/15	1023	HWGARRETI		46,728.00	
10/26/15	1024	CLAY & LEYENDECKER		9,529.50	
				<u>56,257.50</u>	<u>214,201.60</u>
	4165.03	Ford F150 Pickup 2011	14,853.40	<u>0.00</u>	<u>14,853.40</u>
	4166.01	Office Equipment W&S	8,540.68	<u>0.00</u>	<u>8,540.68</u>
	4166.02	UTILITY SOFTWARE	6,690.00	<u>0.00</u>	<u>6,690.00</u>
	4167.01	Furniture and Fixtures W&S	6,006.90	<u>0.00</u>	<u>6,006.90</u>
	4170	Elevated Water Tower Upgrades	282,725.00	<u>0.00</u>	<u>282,725.00</u>
	4171	Water Well #2 System	364,099.52	<u>0.00</u>	<u>364,099.52</u>
	4172	Ground Water Storage Tank	206,575.89	<u>0.00</u>	<u>206,575.89</u>
	4173	Pump House Water Well	30,010.88	<u>0.00</u>	<u>30,010.88</u>
	4174	Water Well# 3 System	800,776.16	<u>0.00</u>	<u>800,776.16</u>
	4175	Water Well #3 Storage Tank	384,000.00	<u>0.00</u>	<u>384,000.00</u>
	4182	Sewer System Owens Rd	468,848.14	<u>0.00</u>	<u>468,848.14</u>

PUBLIC WORKS - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	4183	Richard Rd Line Block Grant	413,106.01	<u>0.00</u>	<u>413,106.01</u>
	4184	Sewer Line Springdale Extension	19,162.00	<u>0.00</u>	<u>19,162.00</u>
	4194	Investment In Sewer System	2,252,942.00	<u>0.00</u>	<u>2,252,942.00</u>
	4198	Accumulated Depreciation	(4,067,000.58)	<u>0.00</u>	<u>(4,067,000.58)</u>
	4220	Accounts Payable Accrued Liab	(26,390.11)		
10/01/15	13455	ELECTRICAL FIELD SVC		10,816.85	
10/01/15	13456	H D SUPPLY		126.53	
10/01/15	13457	UNIFIRST HOLDINGS		172.47	
10/08/15	13459	H W GARRETT		7,983.13	
10/15/15	13462	TAK TECH		600.00	
10/15/15	13466	A1 JANITORIAL		391.13	
10/15/15	13472	CTJ VACCUM		6,300.00	
				<u>26,390.11</u>	<u>0.00</u>
	4220.13	Acct Pay - Cur PV Univ Wt Wtr	(48,023.44)		
10/15/15	13475	PVAMU		3,890.08	
				<u>3,890.08</u>	<u>(44,133.36)</u>
	4220.18	Acct. Pay John Deerr Financial	(5,761.70)		
10/01/15	13450	JOHN DEER		303.35	
				<u>303.35</u>	<u>(5,458.35)</u>
	4223	Unclaimed Checks Payable	(1,693.18)	<u>0.00</u>	<u>(1,693.18)</u>
	4241.03	Due to General Fund W&S	(292,806.25)		
10/01/15	13449	SAN BERNARD ELEC		2,090.12	
10/14/15	13460	PAYROLL TRANSFER		9,249.91	
10/15/15	13468	RELIANT ENERGY		298.01	
10/29/15	13477	PROSPERITY BK PAYROLL TRANS		7,692.71	
10/31/15	PWO10	TRF PAYROLL TAX 941 DEPOSIT		(1,057.98)	
10/31/15	PWO11	TRF EMP SHARE HEALTH INS		503.04	
10/31/15	PWO12	TRF PUBLIC WORKS PAYROLL		(14,332.66)	
10/31/15	PWO14	TRF EMPLOYEE SHARE 403B		(308.68)	
10/31/15	PWO15	TRF CK417735 TONER LAND		(277.50)	
10/31/15	PWO16	TRFAT&TCK17738		(40.00)	
10/31/15	PWO17	TRF CK17741 TML RISK POOL		(178.00)	
10/31/15	PWO17	TRF CK17741 TML RISK POOL		(384.00)	
10/31/15	PWO18	TRF CK17746 AT&T		(31.00)	
10/31/15	PWO19	TRFTONERLANDCK17749		(432.66)	
10/31/15	PWO20	TRF AETNA INS CK17754		(1,459.39)	
10/31/15	PWO21	TRF AT&T CK6902		(26.00)	
				<u>1,305.92</u>	<u>(291,500.33)</u>

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
10/15/15	4280 Paybl Lg Trm PV Univ Wste Wtr 13475	PVAMU	(197,358.62)	25.98 <u>25.98</u>	<u>(197,332.64)</u>
	4293 Customer Utility Deposits		(133,366.08)		
10/01/15	2144	AARON EWOK		166.88	
10/06/15	2145	FABIAN MARTINEZ		155.67	
10/26/15	2146	BARBARA GADNER		154.39	
10/27/15	2147	NICKY E MUONEKE		100.00	
10/27/15	2149	LAURA KNAPE		104.67	
10/31/15	PW013	TRF NEW DEPOSITS		<u>(2,200.00)</u> <u>(1,518.39)</u>	<u>(134,884.47)</u>
	4312 Fund Balance Equity - Beg.		(3,641,251.48)	<u>0.00</u>	<u>(3,641,251.48)</u>
	4312.01 Retained Earnings Adjustments		49,971.63	<u>0.00</u>	<u>49,971.63</u>
	4400.01 Utility Water Revenue		0.00		
10/31/15	PW004	PUBLIC WORKS REV		<u>(31,875.93)</u> <u>(31,875.93)</u>	<u>(31,875.93)</u>
	4400.02 Utility Sewer Revenue		0.00		
10/31/15	PW004	PUBLIC WORKS REV		<u>(44,718.86)</u> <u>(44,718.86)</u>	<u>(44,718.86)</u>
	4400.03 Utility Garbage Revenue		0.00		
10/31/15	PW004	PUBLIC WORKS REV		<u>(16,066.14)</u> <u>(16,066.14)</u>	<u>(16,066.14)</u>
	4400.06 PUBLIC WORKS REV LATE CHGS		0.00		
10/31/15	PW004	PUBLIC WORKS REV		<u>(3,460.00)</u> <u>(3,460.00)</u>	<u>(3,460.00)</u>
	4406 Interest and Dividends Revenue		0.00		
10/31/15	PW001	INT INC		(38.22)	
10/31/15	PW002	INT INC		<u>(24.12)</u> <u>(62.34)</u>	<u>(62.34)</u>
	4408 Interest Revenue Bond Funds		0.00		
10/31/15	PW006	INT INC		(0.12)	
10/31/15	PW007	INT INC		(3.65)	
10/31/15	PW008	INT INC		(293.00)	
10/31/15	PW009	INT INC		<u>(9.58)</u> <u>(306.35)</u>	<u>(306.35)</u>
	4600 Contract Meter Reading		0.00		
10/30/15	13478	DARRELL GLOVER		500.00	
10/30/15	13479	CHARLES BOGGESS		500.00	

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	4600	Contract Meter Reading (cont.)		<u>1,000.00</u>	<u>1,000.00</u>
10/31/15	4601 PW012	Salaries and wages TRF PUBLIC WORKS PAYROLL	0.00	<u>14,332.66</u>	<u>14,332.66</u>
10/31/15	4604 PWO10	Payroll Taxes TRF PAYROLL TAX 941 DEPOSIT	0.00	<u>1,057.98</u>	<u>1,057.98</u>
10/31/15	4604.04 PWO14	Payroll - 401 K Emp Esp TRF EMPLOYEE SHARE 403B	0.00	<u>308.68</u>	<u>308.68</u>
10/31/15	4611 PWO11	Insurance Employees TRF EMP SHARE HEALTH INS	0.00	(503.04)	
10/31/15	PW017	TRF CK! 7741 TML RISK POOL		178.00	
10/31/15	PW020	TRF AETNA INS CKI 7754		<u>1,459.39</u>	
				<u>1,134.35</u>	<u>1,134.35</u>
10/01/15	4701.01 13448	Electricity RELIANT ENERGY	0.00	144.59	
10/01/15	13449	SAN BERNARD ELEC		<u>5,143.24</u>	
				<u>5,287.83</u>	<u>5,287.83</u>
10/15/15	4703 13461	Telephone AT&T	0.00	911.25	
10/31/15	PWO16	TRF AT&T CK17738		40.00	
10/31/15	PW018	TRF CKI 7746 AT&T		31.00	
10/31/15	PW021	TRF AT&T CK6902		<u>26.00</u>	
				<u>1,008.25</u>	<u>1,008.25</u>
10/15/15	4704.02 13476	Sewerage Wastewater Charges PVAMU	0.00	<u>21,082.91</u>	<u>21,082.91</u>
10/01/15	4904 13454	Operating Supplies & Testing BLUEBONNETT GROUND	0.00	423.25	
10/15/15	13469	BRAZOS COUNTY HEALTH		120.00	
10/15/15	13473	NAPA		<u>110.28</u>	
				<u>653.53</u>	<u>653.53</u>
10/31/15	4909 PW017	Insurance-property/casualty TRF CK 17741 TML RISK POOL	0.00	<u>384.00</u>	<u>384.00</u>
10/15/15	4910 13475	Interest-Bonds & Loans PVAMU	0.00	<u>817.94</u>	<u>817.94</u>

PUBLIC WORKS - PRAIRIE VIEW, TX
General Ledger

<u>Date</u>	<u>Reference T</u>	<u>Description</u>	<u>Beginning Balance</u>	<u>Current Amount</u>	<u>YTD Balance</u>
4922 Repairs & maintenance-m&e			0.00		
10/01/15	13458	AUTO PARTS		61.95	
10/15/15	13464	ELECTRICAL FIELD		2,858.85	
10/15/15	13474	R J PLUMBING		350.00	
10/31/15	PW015	TRF CK417735 TONER LAND		277.50	
10/31/15	PW019	TRF TONERLAND CKI 7749		432.66	
				<u>3,980.96</u>	<u>3,980.96</u>
4929 Repairs & maintenance-Vehicle			0.00		
10/15/15	13463	SUPER TIRE		50.00	
10/15/15	13471	WALLERCTYPAINBTDY		26.95	
				<u>76.95</u>	<u>76.95</u>
4931 Refuse Trash Pickup			0.00		
10/15/15	13467	ALLIED WASTE		15,862.75	
				<u>15,862.75</u>	<u>15,862.75</u>
4934 Uniforms & clothing			0.00		
10/15/15	13470	UNIFIRST HOLDING		114.98	
				<u>114.98</u>	<u>114.98</u>

Current Profit/(Loss) 29,385.85 YTD Profit/(Loss) 29,385.85

Number of Transactions 120

The General Ledger is in balance 0.00

DEBT SERVICE - PRAIRIE VIEW, TX
BALANCE SHEET
As of October 31, 2015

ASSETS

CURRENT ASSETS

CASH - ST BK DEBT SERV & INT	\$	62,061.39
Due From General Fund		12,625.00
Receivable Property Taxes D/S		<u>460,765.59</u>

Total Current Assets 535,451.98

PROPERTY AND EQUIPMENT

TOTAL ASSETS \$ 535,451.98

LIABILITIES AND EQUITY

CURRENT LIABILITIES

Deferred Prop Tax Rev Delq OS	\$. <u>460,765.59</u>
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Total Current Liabilities 460,765.59

LONG-TERM LIABILITIES

Total Liabilities 460,765.59

FUND EQUITY

Fund Equity Beg Balance	62,286.29
Current Change Fund Balance	<u>12,400.10</u>

Ending Fund Equity 74,686.39

TOTAL LIABILITIES AND FUND EQUITY \$ 535,451.98

DEBT SERVICE - PRAIRIE VIEW, TX
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month Ended October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, Actual	1 Month Ended October 31, Budget	Over / Under Variance
Sales					
Tax Revenue	\$ 12,379.02	\$ 31,875.00	\$ 12,379.02	\$ 31,875.00	\$ -19,495.98
Interest & Dividends-Debt Svc	21.08	25.00	21.08	25.00	-3.92
Less Returns & Allowances	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Sales	<u>12,400.10</u>	<u>31,900.00</u>	<u>12,400.10</u>	<u>31,900.00</u>	<u>-19,499.90</u>
Gross Profit	<u>12,400.10</u>	<u>31,900.00</u>	<u>12,400.10</u>	<u>31,900.00</u>	<u>-19,499.90</u>
Operatina Exoenses					
Payment on loan principle	0.00	3,466.67	0.00	3,466.67	3,466.67
Payment on bond principle	0.00	5,916.67	0.00	5,916.67	5,916.67
Bond 2011 Issue Cost	0.00	83.33	0.00	83.33	83.33
Interest On Debt Paid	0.00	650.00	0.00	650.00	650.00
Interest Bonds Debt Svc	<u>0.00</u>	<u>21,783.33</u>	<u>0.00</u>	<u>21,783.33</u>	<u>21,783.33</u>
Total Operatina Exoenses	<u>0.00</u>	<u>31,900.00</u>	<u>0.00</u>	<u>31,900.00</u>	<u>31,900.00</u>
Operatina Income	<u>12,400.10</u>	<u>0.00</u>	<u>12,400.10</u>	<u>0.00</u>	<u>12,400.10</u>
Other Exoense					
Net Income (Loss)	<u>\$ 12,400.10</u>	<u>\$ 0.00</u>	<u>\$ 12,400.10</u>	<u>\$ 0.00</u>	<u>\$ 12,400.10</u>

DEBT SERVICE - PRAIRIE VIEW, TX
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	5103.04	CASH - ST BK DEBT SERV & INT	62,040.31		
10/31/15	DS001	INT INC		21.08	
				<u>21.08</u>	<u>62,061.39</u>
	5118.01	Due From General Fund	245.98		
10/31/15	DS002	PROP TAX REV		12,379.02	
				<u>12,379.02</u>	<u>12,625.00</u>
	5212	Receivable Property Taxes D/S	85,910.92		
10/31/15	DS003	PROP TAX REV OFFSET		(12,379.02)	
10/31/15	DS004	I&SPROPTAXBILLED2015		387,233.69	
				<u>374,854.67</u>	<u>460,765.59</u>
	5216	Deferred Prop Tax Rev Delq DS	(85,910.92)		
10/31/15	DS003	PROP TAX REV OFFSET		12,379.02	
10/31/15	DS004	I&S PROP TAX BILLED 2015		(387,233.69)	
				<u>(374,854.67)</u>	<u>(460,765.59)</u>
	5315	Fund Equity Bal. Beg.	(62,286.29)		
				<u>0.00</u>	<u>(62,286.29)</u>
	5401	Tax Revenue	0.00		
10/31/15	DS002	PROP TAX REV		(12,379.02)	
				<u>(12,379.02)</u>	<u>(12,379.02)</u>
	5406	Interest & Dividends-Debt Svc	0.00		
10/31/15	DS001	INTINC		(21.08)	
				<u>(21.08)</u>	<u>(21.08)</u>
Current Profit/(Loss)		<u>12,400.10</u>	YTD Profit/(Loss)		<u>12,400.10</u>
Number of Transactions		8			
			The General Ledger is in balance		<u>0.00</u>

**PRAIRIE VIEW CRIME CONTROL & PREVENTION
BALANCE SHEET
As of October 31, 2015**

ASSETS

CURRENT ASSETS

Cash - Crime Prevention Prosperity Ban ~~45,324.02~~ 45,324.02

Total Current Assets 45,324.02

PROPERTY AND EQUIPMENT

TOTAL ASSETS \$ 45,324.02

LIABILITIES AND EQUITY

CURRENT LIABILITIES

Due to General Fund \$ 1,428.57

Total Current Liabilities 1,428.57

LONG-TERM LIABILITIES

Total Liabilities 1,428.57

FUND EQUITY

Fund Equity Beg Balance 43,894.45
Current Change Fund Balance 1.00

Ending Fund Equity 43,895.45

**TOTAL LIABILITIES AND
FUND EQUITY** \$ 45,324.02

**PRAIRIE VIEW CRIME CONTROL & PREVENTION
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget**

	1 Month Ended October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
Sales					
Sales Tax Revenue	\$ 7,031.94	\$ 6,041.67	\$ 7,031.94	\$ 6,041.67	\$ 990.27
Interest and dividends	14.78	16.67	14.78	16.67	-1.89
Less Returns & Allowances	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Sales	<u>7,046.72</u>	<u>6,058.34</u>	<u>7,046.72</u>	<u>6,058.34</u>	<u>988.38</u>
Gross Profit	<u>7,046.72</u>	<u>6,058.34</u>	<u>7,046.72</u>	<u>6,058.34</u>	<u>988.38</u>
Operating Expenses					
Tranf. to Gen Fund Police Chi	<u>7,045.72</u>	<u>6,058.33</u>	<u>7,045.72</u>	<u>6,058.33</u>	<u>(987.39)</u>
Total Operating Expenses	<u>7,045.72</u>	<u>6,058.33</u>	<u>7,045.72</u>	<u>6,058.33</u>	<u>-987.39</u>
Net Income (Loss)	<u>1.00</u>	<u>0.01</u>	<u>1.00</u>	<u>0.01</u>	<u>-0.99</u>

**PRAIRIE VIEW CRIME CONTROL & PREVENTION
General Ledger**

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	4104.18	Cash - Crime Prevention Prosperity Bank	38,277.30		
10/31/15	CC001	SALES TAX REV		7,031.94	
10/31/15	CC002	INT INC		14.78	
				<u>7,046.72</u>	<u>45,324.02</u>
	4241.03	Due to General Fund	5,617.15		
10/31/15	CC003	POLICE PAID BY CRIME CONTROLL		(7,045.72)	
				<u>(7,045.72)</u>	<u>(1,428.57)</u>
	4312	Fund Balance Equity - Beg.	(43,894.45)		
				<u>0.00</u>	<u>(43,894.45)</u>
	4405	Sales Tax Revenue	0.00		
10/31/15	CC001	SALES TAX REV		(7,031.94)	
				<u>(7,031.94)</u>	<u>(7,031.94)</u>
	4406	Interest and dividends	0.00		
10/31/15	CC002	INTINC		(14.78)	
				<u>(14.78)</u>	<u>(14.78)</u>
	4601	Tranf. to Gen Fund Police Chief Cost	0.00		
10/31/15	CC003	POLICE PAID BY CRIME CONTROLL		7,045.72	
				<u>7,045.72</u>	<u>7,045.72</u>
Current Profit/(Loss)		<u>1.00</u>	YTD Profit/(Loss)	<u>1.00</u>	
Number of Transactions		6	The General Ledger is in balance		<u>0.00</u>

**CITY OF PRAIRIE VIEW 4-B ECO. DEV. CORP
BALANCE SHEET
As of October 31, 2015**

ASSETS

CURRENT ASSETS

Cash - Sta Bk 4B Eco Dev Corp	\$	584,552.98
Ace Rec Odyssey Training Institute		53,180.00
Account Receivables Sales Tax Revenu		<u>20,911.30</u>

Total Current Assets 658,644.28

PROPERTY AND EQUIPMENT

Land - Clark St	4,060.00
Park Security System	<u>2,467.25</u>

Net Property and Equipment 6,527.25

TOTAL ASSETS \$ 665,171.53

LIABILITIES AND EQUITY

CURRENT LIABILITIES

Due to General Fund Eco Dev B	\$	<u>240.00</u>
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Total Current Liabilities 240.00

LONG-TERM LIABILITIES

Total Liabilities 240.00

FUND EQUITY

Beg Fund Balance	654,938.98
Fund Bal. Adjustment	(4,208.37)
Current Fund Increase (Loss)	<u>14,200.92</u>

TOTAL FUND EQUITY 664,931.53

LIABILITIES AND FUND BALANCE 665,171.53

CITY OF PRAIRIE VIEW 4-B ECO. DEV. CORP
REVENUE & EXPENDITURES STATEMENT
Actual vs. Budget

	1 Month Ended October 31, Actual	1 Month Ended October 31, Budget	1 Month Ended October 31, 2015 Actual	1 Month Ended October 31, 2015 Budget	Over / Under Variance
Sales					
Sales Tax Revenue	\$ 15,138.10	\$ 12,083.33	\$ 15,138.10	\$ 12,083.33	\$ 3,054.77
Interest and dividends	194.89	166.67	194.89	166.67	28.22
Less Returns & Allowances	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Total Sales	<u>15,332.99</u>	<u>12,250.00</u>	<u>15,332.99</u>	<u>12,250.00</u>	<u>3,082.99</u>
Gross Profit	<u>15,332.99</u>	<u>12,250.00</u>	<u>15,332.99</u>	<u>12,250.00</u>	<u>3,082.99</u>
Operatina Expenses					
Salaries and waQes	0.00	3,500.00	0.00	3,500.00	3,500.00
Payroll Taxes	0.00	283.33	0.00	283.33	283.33
LeQal	0.00	750.00	0.00	750.00	750.00
AccountinQ	0.00	333.33	0.00	333.33	333.33
Web-Site & Software Svc	0.00	125.00	0.00	125.00	125.00
Newsletter Correspondences	0.00	416.67	0.00	416.67	416.67
Supplies-office	0.00	41.67	0.00	41.67	41.67
Insurance	0.00	125.00	0.00	125.00	125.00
Dues & subscriptions	0.00	625.00	0.00	625.00	625.00
Contract Service	0.00	250.00	0.00	250.00	250.00
AdvertisinQ	700.00	1,225.00	700.00	1,225.00	525.00
Travel - Director	0.00	1,000.00	0.00	1,000.00	1,000.00
City Direct Business Incentive	432.07	2,916.67	432.07	2,916.67	2,484.60
Uniforms	0.00	25.00	0.00	25.00	25.00
Workshops, Conf. & Travel	0.00	300.00	0.00	300.00	300.00
ContinQency	<u>0.00</u>	<u>333.33</u>	<u>0.00</u>	<u>333.33</u>	<u>333.33</u>
Total Operatina Expenses	<u>1,132.07</u>	<u>12,250.00</u>	<u>1,132.07</u>	<u>12,250.00</u>	<u>11,117.93</u>
Oper. Fund Cha (Less)	<u>14,200.92</u>	<u>0.00</u>	<u>14,200.92</u>	<u>0.00</u>	<u>14,200.92</u>
Other Fund Chg. (Less)					
Net Fund Cha (Less)	<u>\$ 14,200.92</u>	<u>0.00</u>	<u>14,200.92</u>	<u>0.00</u>	<u>14,200.92</u>

CITY OF PRAIRIE VIEW 4-B ECO. DEV. CORP
General Ledger

Date	Reference	T	Description	Beginning Balance	Current Amount	YTD Balance
	4104.14		Cash - Sta Bk 4B Eco Dev Corp	571,023.98		
10/06/15	1900		PRAIRJE VIEW MAGAZINE		(700.00)	
10/26/15	1901		STANLEY CONVERGENT SECURJTY		(432.07)	
10/31/15	ED002		SALES TAX REV COLLECTED		14,466.18	
10/31/15	ED003		INT INC		194.89	
					<u>13,529.00</u>	<u>584,552.98</u>
	4108		Ace Rec Odyssey Training Institute	53,180.00		
					<u>0.00</u>	<u>53,180.00</u>
	4114		Account Receivables Sales Tax Revenue	20,239.38		
10/31/15	ED001		SALES TAX REV		15,138.10	
10/31/15	ED002		SALES TAX REV COLLECTED		(14,466.18)	
					<u>671.92</u>	<u>20,911.30</u>
	4160.01		Land - Clark St	4,060.00		
					<u>0.00</u>	<u>4,060.00</u>
	4162.02		Park Security System	2,467.25		
					<u>0.00</u>	<u>2,467.25</u>
	4241.03		Due to General Fund Eco Dev B	(240.00)		
					<u>0.00</u>	<u>(240.00)</u>
	4312		Fund Balance Equity - Beg.	(654,938.98)		
					<u>0.00</u>	<u>(654,938.98)</u>
	4312.01		Retained Earnings Adjustments	4,208.37		
					<u>0.00</u>	<u>4,208.37</u>
	4400.01		Sales Tax Revenue	0.00		
10/31/15	ED001		SALES TAX REV		(15,138.10)	
					<u>(15,138.10)</u>	<u>(15,138.10)</u>
	4406		Interest and dividends	0.00		
10/31/15	ED003		INT INC		(194.89)	
					<u>(194.89)</u>	<u>(194.89)</u>
	4915		Advertising	0.00		
10/06/15	1900		PRAIRJE VIEW MAGAZINE		700.00	
					<u>700.00</u>	<u>700.00</u>
	4934		City Direct Business Incentive	0.00		
10/26/15	1901		STANLEY CONVERGENT SECURJTY		432.07	
					<u>432.07</u>	<u>432.07</u>
Current Profit/(Loss)					<u>14,200.92</u>	
			YTD Profit/(Loss)			<u>14,200.92</u>
Number of Transactions			10			

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**LONG TERM DEBT PRAIRIE VIEW
BALANCE SHEET
As of October 31, 2015**

ASSETS

CURRENT ASSETS

AVAIL TO RETIRE CR DEBT SERV. 98,857.21

Total Current Assets \$ 98,857.21

PROPERTY AND EQUIPMENT

OTHER ASSETS

AVAIL TO RETIRE LG TERM DEBT 4,580,745.25

Total Other Assets 4,580,745.25

TOTAL ASSETS \$ 4,679,602.46

LIABILITIES AND EQUITY

CURRENT LIABILITIES

CR PAY SALES TAX REFUND \$ 2,999.01
CR PAY POLICE AUTO TAHOS (2) 15,333.05
CR PAY TRACTOR KUBOTA 9,583.15
GEN OBLIGA BOND - 2007 CURR PAY 60,000.00
CR PAY GEN OBLIGA BOND - 2011 942.00
CR PAY CERT OR OBLIGATION BOND 10,000.00

Total Current Liabilities 98,857.21

LONG-TERM LIABILITIES

Lg/Tr Pay Police Auto Tahos (2) 64,666.95
Lg/Tr Pay Tractor Kubota 40,416.85
LG TERM GEN OBLIGA BOND - 2007 2,320,000.00
LG TERM GEN OBLIGA BOND - 2011 1,479,058.00
LG TERM CERT OF OBLIGA BOND - 20 480,000.00
LG TERM PREMIUM GEN & CERT OBL 196,603.45

Total Long-Term Liabilities 4,580,745.25

Total Liabilities 4,679,602.46

FUND EQUITY

TOTAL LIABILITIES & EQUITY \$ 4,679,602.46

LONG TERM DEBT PRAIRIE VIEW
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	8195	AVAIL TO RETIRE CR DEBT SERV.	95,858.20		
10/31/15	LTOOI	TEXASCOMPROLLERSALESTAXREFUND		(500.00)	
10/31/15	LT003	CURRENT SALES TAX REFUND DEBT		3,499.01	
				<u>2,999.01</u>	<u>98,857.21</u>
	8196	AVAIL TO RETIRE LG TERM DEBT	4,584,244.26		
10/31/15	LT003	CURRENT SALES TAX REFUND DEBT		(3,499.01)	
				<u>(3,499.01)</u>	<u>4,580,745.25</u>
	8200.08	CR PAY SALES TAX REFUND	0.00		
10/31/15	LTOOI	TEXAS COMPTRROLLER SALES TAX REFUND		500.00	
10/31/15	LT002	CURRENT SALES TAX REFUND DEBT		(3,499.01)	
				<u>(2,999.01)</u>	<u>(2,999.01)</u>
	8200.11	CR PAY POLICE AUTO TAHOS (2)	(15,333.05)		
				<u>0.00</u>	<u>(15,333.05)</u>
	8200.12	CR PAY TRACTOR KUBOTA	(9,583.15)		
				<u>0.00</u>	<u>(9,583.15)</u>
	8220.08	LG/TR PAY SALES TAX REFUND	(3,499.01)		
10/31/15	LT002	CURRENT SALES TAX REFUND DEBT		3,499.01	
				<u>3,499.01</u>	<u>0.00</u>
	8220.11	Lg/Tr Pay Police Auto Tahos (2)	(64,666.95)		
				<u>0.00</u>	<u>(64,666.95)</u>
	8220.12	Lg/Tr Pay Tractor Kubota	(40,416.85)		
				<u>0.00</u>	<u>(40,416.85)</u>
	8226.02	GEN OBLIGA BOND - 2007 CURR PAYABLE	(60,000.00)		
				<u>0.00</u>	<u>(60,000.00)</u>
	8226.03	CR PAY GEN OBLIGA BOND - 2011	(942.00)		
				<u>0.00</u>	<u>(942.00)</u>
	8226.04	CR PAY CERT OR OBLIGATION BOND - 2011	(10,000.00)		
				<u>0.00</u>	<u>(10,000.00)</u>
	8290.02	LG TERM GEN OBLIGA BOND - 2007	(2,320,000.00)		
				<u>0.00</u>	<u>(2,320,000.00)</u>
	8290.03	LG TERM GEN OBLIGA BOND - 2011	(1,479,058.00)		
				<u>0.00</u>	<u>(1,479,058.00)</u>
	8290.04	LG TERM CERT OF OBLIGA BONE - 2011	(480,000.00)		
				<u>0.00</u>	<u>(480,000.00)</u>

LONG TERM DEBT PRAIRIE VIEW
General Ledger

Date	Reference T	Description	Beginning Balance	Current Amount	YTD Balance
	8290.05	LG TERM PREMIUM GEN & CERT OBLIGA BOND - 2	(19,603.45)	=====0.00	<u>(19,603.45)</u>
Current Profit/(Loss)		<u>0.00</u>	YTD Profit/(Loss)		<u>0.00</u>
Number of Transactions		6	The General Ledger is in balance		<u>0.00</u>

**G/A FIXED ASSETS CITY OF PRAIRIE VIEW
BALANCE SHEET
As of October 31, 2015**

ASSETS

CURRENT ASSETS

PROPERTY AND EQUIPMENT

Land Gen	145,818.35	
Building	63,322.27	
Building - New City Hall -	962,190.03	
City Park Rest Room & Landscape Improvements (Ex Bldg) Gen	58,208.37	
Machinery and equipment Gen	218,980.08	
Voting Machines	102,310.47	
Generator City Hall	31,042.10	
Auto & trucks	54,064.00	
Police Tahoe #1 HKS	325,960.46	
Police Tahoe #2 AN	45,046.72	
Office equipment	43,905.55	
Police Ballistic Vest	216,777.48	
Furniture & fixtures	3,487.16	
Streets & Roads	44,977.70	
Phillips Street Addition	1,131,282.56	
Software System	29,133.00	
Body Cameras Police	12,057.00	
Kubota Tractor/Front Loader	4,111.07	
Batwing Mower 12'	45,806.95	
Playground Equipment	10,450.00	
Total Fixed Assets	<u>55,632.54</u>	
Net Property and Equipment	3,604,563.86	<u>3,604,563.86</u>
TOTAL ASSETS		<u>\$ 3,604,563.86</u>

LIABILITIES AND EQUITY

CURRENT LIABILITIES

LONG-TERM LIABILITIES

FUND EQUITY

Fund Equity Inv. Fixed Assets	<u>3,604,563.86</u>	
Ending Fund Balance		<u>3,604,563.86</u>
TOTAL LIABILITIES AND FUND BALANCE		<u>\$ 3,604,563.86</u>

See Accountants' Report
appropriation

CITY OF PRAIRIE VIEW
 PROPERTY TAX ANALYSIS
 FISCAL YEAR 2015 - 2016
 As Of October 31, 2015

2015 TAX % SPLIT		48.79%		5		% - -		45.2%						LESS		
CODE - REVENUE	1401.01	5401	1401.01	5401	1112	5212	1409	1409	1116	TOTAL REVENUE	1940 EXPENSES ATTORNEY CHARGES	VARIOUS EXPENSES ASSESSMENT CHG & OTHER	1218 NET CHANGE N ACCRUED			
DEPOSIT DATE	CURRENT M&O RECEIVABLE	CURRENT I&S RECEIVABLE	CURRENT TOTAL RECEIVABLE	DELINQUENT M&O RECEIVABLE	DELINQUENT I&S RECEIVABLE	DELINQUENT TOTAL RECEIVABLE	TOTAL RECEIVABLE BALANCE	PENY & INT ADDI SVC REVENUE	FEEES & COURT COST REVENUE	OVERPAID REVENUE	TOTAL REVENUE	EXPENSES ATTORNEY CHARGES	EXPENSES ASSESSMENT CHG & OTHER	NET CHANGE N ACCRUED		
BEG BAL DELIQUENT				104,113.11	85,910.92	190,024.03	190,024.03									
ADJUSTMENTS							0.00									
NET BEG BAL DELIO				104,113.11	85,910.92	190,024.03	190,024.03									
2015-2016 BILLING	368,934.421	387,233.691	756,168.111				0.00									
OCT 15 ADJ			0.001				0.001									
OCT 15	7,923.511	8315.711	16,239.221	4,328.62	4,063.31	8,391.93	24,631.15									
OCT TOTAL COLL 2.15%	1,222.01	8,710.711	15,222.21	4,328.62	4,063.31	8,391.93	24,631.15	2,125.02	2,106.50	0.00	2,831.51	0.00	0.00	31,222.21		
OCT 15 RECEIVABLE BAL	361,010.911	378,917.981	739,928.891	99,784.491	81,847.61	181,632.101	921,560.99									

r-
VA

MUNICIPAL COURT

City of Prairie View

Monthly Report ~ November 2015



Honorable Morris L. Overstreet, Presiding Judge

S. Alexander Simmons

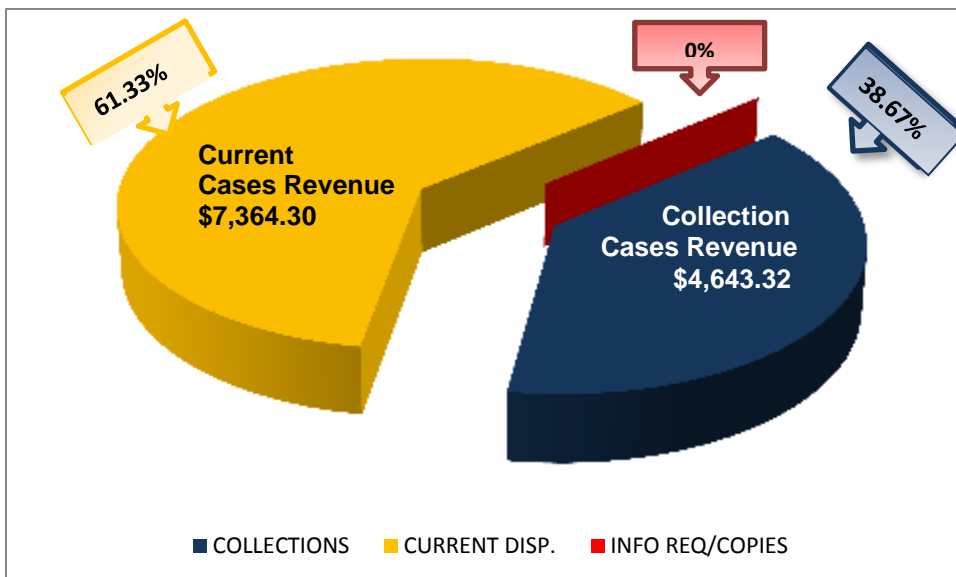
Distribution: M. Overstreet, F. Jackson
JM, JR, MH, HT, PB, JJ, LJ, PA, JW

OFFICIAL MUNICIPAL COURT MONTHLY REPORT
For the month of November 2015



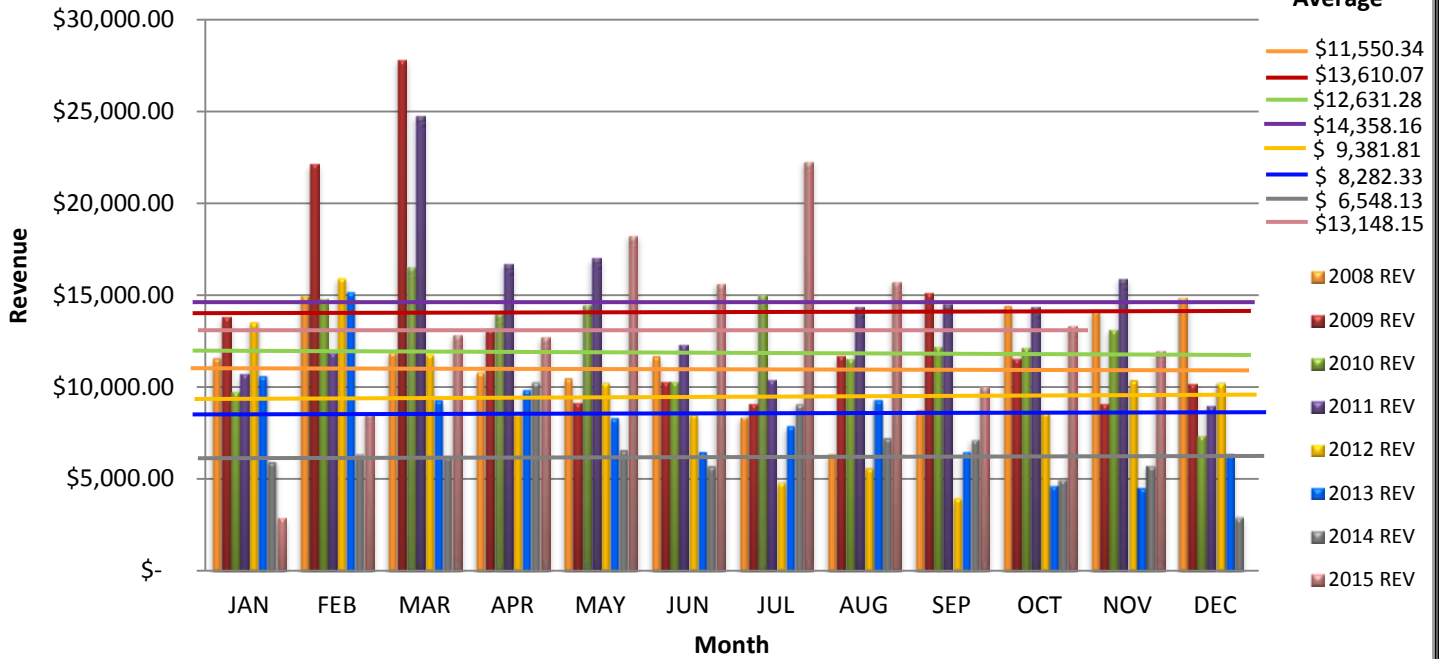
	TRAFFIC		NON-TRAFFIC	
	Non-Parking	Parking	State Law	City Ord.
1. New Cases Filed During the Month	82	4	22	2
2. Dispositions Prior to Trial				
a. Plead Guilty, No Contest	49	1	4	
b. Dismissed	2			3
3. Dispositions at Trial				
a. Trial by Judge (Not Guilty)				
b. Trial by Judge (Guilty)				
c. Trial by Jury (Not Guilty)				
d. Trial by Jury (Guilty)				
e. Dismissed				
4. Cases Dismissed:				
a. After Driver Safety Course	16			
b. After Deferred Disposition	12	1		
c. After Proof of Financial Resp.	5			
d. After Compliance Dismissal				
e. By Prosecutor				
5. Community Service Ordered				
6. Cases Appealed				

7. Juvenile/Minor Activity		8. Parent Contribute to Nonattendance	
a. Transportation Code Cases		9. Driver Resp. & DL Susp. Hearings	
b. ABC Code Offenses Filed		10. Search Warrants Issued	
c. DUI Alcohol Cases Filed		11. Arrest Warrants Issued	
d. H&S (Tab) Offenses Filed		a. Class C Misdemeanors	83
e. Failure to Attend School		b. Felonies/Class A & B Misdemeanor	
f. Education Code		12. Capias Pro Fine Warrants Issued	2
g. Violation Curfew Ordinance		13. Magistrate Warnings Given	
h. Non-Traffic Offenses		a. Felonies/Class A & B Misdemeanor	
i. Waive Jurisdiction Non-Traffic		b. Emerg. Mental Health Hearings	
j. Referred Juvenile Court		14. Magistrate Orders of Protection	
k. Held in Contempt, Fined		15. Cases Satisfied with Jail Credit	
Magistrate Warnings (Juvenile)		TOTAL REVENUE \$12,007.62	
l. Warnings Administered			
m. Statements Certified			

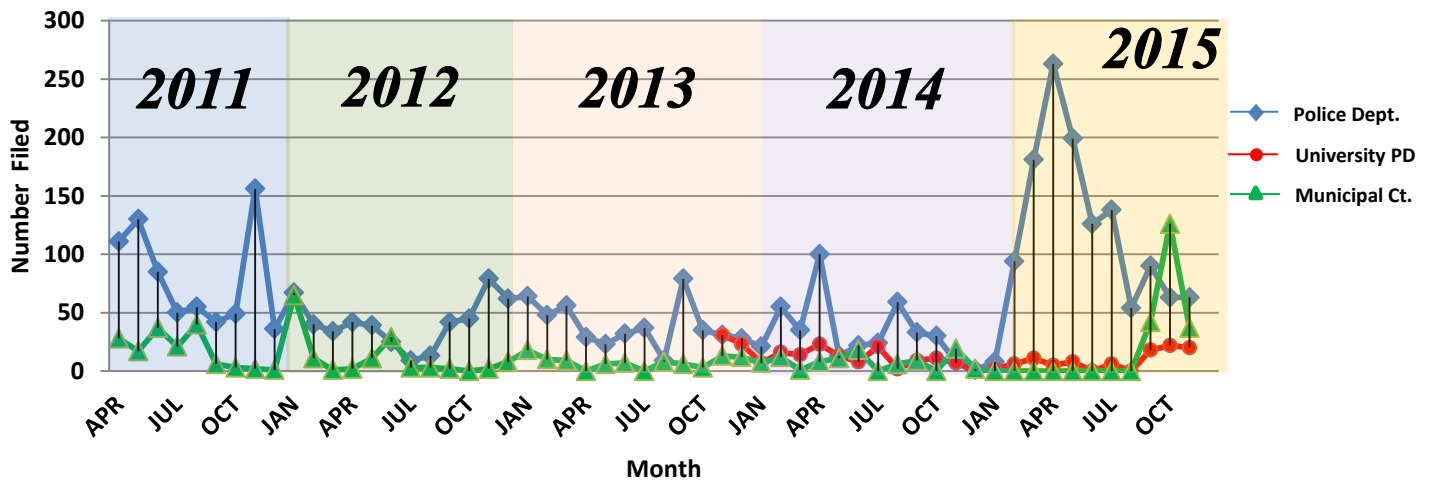


This month's collection cases revenue represents past-due fines and fees collected from cases that were filed in 2002 through 2015. And, are the collective efforts of the court staff and the warrant officer.

City of Prairie View Municipal Court Monthly Revenue Comparison by Year



Cases Filed by Agency



Cases filed by the Court represent "Contempt of Court" and "Failure to Appear" cases



PRAIRIE VIEW POLICE DEPARTMENT

P.O. BOX 817

PRAIRIE VIEW, TEXAS 77446



Larry J. Johnson
Chief

Office: (936) 857-3521
Fax: (936) 857-5955

MONTHLY REPORT FOR DECEMBER 2015

November 12 – December 9, 2015

CALLS FOR SERVICE

<i>DESCRIPTION OF CALLS FOR SERVICE</i>	<i>Number of Calls</i>
AGGRAVATED ROBBERY	2
ANIMAL COMPLAINTS	3
ARSON	0
ASSAULT(S)	3
ASSIST MADE TO FIRE/AMBULANCE UNITS	1
ASSIST MOTORIST	0
ASSIST OUTSIDE AGENCY	5
BURGLAR/FIRE ALARM CALLS RESPONDED TO	2
BURGLARY OF A BUSINESS/BUILDING	0
BURGLARY OF A HABITATION	4
BURGLARY OF A MOTOR VEHICLE	0
CIVIL MATTER(S)	2
CRIMINAL MISCHIEF	3
CRIMINAL TRESPASSING	2
DISORDERLY CONDUCT	4
DISTURBANCE (DOMESTIC/OTHER)	12
IDENTITY THEFT	1
INFORMATION REPORT	3
MHMR (mental patient) transported	1

DESCRIPTION OF CALLS FOR SERVICE	Number of Calls
MOTOR VEHICLE ACCIDENT(S) INVESTIGATED <i>Injured Person As A Result of A Motor Vehicle Accident – (1)</i> <i>Death(s) As A Result of A Motor Vehicle Accident – (0)</i>	7
PUBLIC INTOXICATION (one subject arrested)	2
SEXUAL ASSAULT	0
SUSPICIOUS ACTIVITY /PERSON	1
SUSPICIOUS VEHICLE	0
TERRORISTIC THREAT	1
THEFT	0
TRAFFIC STOP(S) (one subject arrested)	1
UNAUTHORIZED USE OF A MOTOR VEHICLE	0
UNFOUNDED	3
VEHICLE TOW (abandon vehicle)	1
WELFARE CHECK/CONCERN	1
TOTAL CALLS	65

DEPARTMENTAL ACTIVITY

REPORTS WRITTEN	65
CITATIONS ISSUED	36
DRUGS ARREST	0
OPEN WARRANTS ARREST	0
OTHER ARREST (public intoxication & possession of a firearm).	2
TOTAL ARREST	2
RESERVE OFFICER DUTY HOURS	41

INVESTIGATIONS CONDUCTED

DESCRIPTION OF ARRESTS/INVESTIGATIONS	No.	STATUS
<i>Public Intoxication – dispatched to a Disturbance call. Subject intoxicated; detained on scene for safety reasons.</i>	1	<i>Placed in county jail without incident.</i>
<i>Possession of a stolen firearm – subject detained on traffic stop; weapon observed and reported stolen in system.</i>	1	Subject placed in county jail.

Submitted by:

Larry J. Johnson
Chief

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