



**CITY OF MARSHALL, TEXAS
REGULAR CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, APRIL 9, 2020, 6:30 P.M.**

This meeting will be conducted utilizing a video and audio conferencing tool, as well as, a standard conference call. Instructions and direct links to view the meeting or speak during Citizen Comment can be found at www.marshalltexas.net.

**AGENDA INFORMATION PACKET IS AVAILABLE FOR THE
PUBLIC TO REVIEW ON THE CITY’S WEB SITE AFTER 8:00 A.M.
ON WEDNESDAY BEFORE THE MEETING AT
www.marshalltexas.net**

1. **CALL TO ORDER AND ROLL CALL**
Page 1

2. **INVOCATION AND PLEDGES**
Page 2

3. **CITIZEN COMMENTS**

House Bill 2840 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on an agenda the opportunity to do so before or during the body's consideration of the item. The “Citizens Comments” portion of the meeting meets the requirements of this law and is the public’s opportunity to speak on any item on the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.

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4. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**
Page 4

5. **CONSENT AGENDA**

The items on the Consent Agenda require little or no deliberation by the Commission. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Commissioner may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

A. Consider approval of the minutes from the March 27, 2020 Special-Called meeting.
Page 5

B. Street Sweeping Activity Report. (Public Works Director)
Page 10

C. Municipal Court Activity Report (Finance Director)
Page 14

D. Consider approval of the engagement letter with Knuckols, Duvall, Hallum & Co. for audit services related to the audit of the 2019 fiscal year. (Finance Director)
Page 19

6. **ORDINANCE**

A. Consider approval of an Ordinance consenting to the amended declaration of local disaster proclaimed for the City of Marshall by the Mayor on March 31, 2020, and any matters incidental or related to said declaration. (City Manager)
Page 29

B. Consider approval of an Ordinance amending the 2020 Annual Budget to provide for adjustments in selected departments and the establishment of a new Economic Development Fund. (Finance Director)
Page 42

C. Approval of an Ordinance amending the 2020 Annual Budget to appropriate funds from Reserves. (Finance Director)
Page 47

7. **RESOLUTION**

A. Discussion of and consideration of a Resolution postponing the May 2, 2020 General Election for Districts 6 & 7, special election to fill a vacancy in District 2, special election for reauthorization of municipal streets tax, and special election for 16 proposed Charter Amendments to the November 3, 2020 uniform election date. (City Secretary)
Page 52

8. **CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION
CONSIDERATION**

- A. Consider approval of the Community Development Block Grant 5-year Consolidated Plan and the 2020 Program Year Annual Action Plan. (Director of Community & Economic Development)
Page 59

9. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**
Page 61

10. **ADJOURNMENT**
Page 62

Posted: April 6, 2020
5:00 p.m.
Y. Graham

This meeting will be conducted in accordance with the Americans with Disabilities Act. Requests for sign interpretive services will be available with at least 48-hour notice prior to the meeting. To make arrangements for these services, please call Elaine Altman at 903-935-4519.

ITEM 1

CALL TO ORDER AND ROLL CALL

ITEM 2

INVOCATION AND PLEDGES

ITEM 3

CITIZEN COMMENTS

ITEM 4

ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

ITEM 5A

CONSENT AGENDA

**CONSIDER APPROVAL OF THE
MINUTES FROM THE MARCH 27, 2020
SPECIAL-CALLED MEETING**

MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
FRIDAY, MARCH 27, 2020
12:00 PM

Mayor Terri Brown called the Special-Called meeting to order in the Commission Chambers, City Hall at 12:08 p.m.

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:

Marvin Bonner, District 1
Amy Ware, District 4
Larry Hurta, District 6

Leo Morris, District 2
Vernia Calhoun, District 5
Doug Lewis, District 7

ADMINISTRATIVE STAFF PRESENT:

Mark Rohr, City Manager
Scott Rectenwald, Acting City Attorney
Randy Pritchard, Support Services Superintendent
Wes Morrison, Community & Economic Development Director
Elaine Altman, City Secretary/Finance Director
Eric Powell, Public Works Director

Cliff Carruth, Police Chief

INVOCATION & PLEDGE: Mayor Brown

66. **CITIZEN COMMENTS**

There were no citizen comments.

67. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

Items B and D were withdrawn from the Consent Agenda.

68. **CONSENT AGENDA**

Commissioner Hurta made a motion to approve the Consent Agenda. Mayor Brown seconded the motion, which passed with a vote of 7:0.

- A. Consider approval of the minutes from the February 27, 2020 Regular meeting.
- C. Municipal Court Activity Report.
- E. Consider approval of a Change Order to a contract (Element #25) with Stiles Electric for the Memorial City Hall Renovation Project.
- F. Consider approval of a Change Order to a contract (Element #18) with Tackett Specialties for the Memorial City Hall Renovation Project.
- G. Consider approval to award a bid for fuel for the City of Marshall.
- H. Monthly financial report.

SECOND READING OF ORDINANCE

69. CONSIDER APPROVAL OF AN ORDINANCE AMENDING SECTION 21-33 OF CHAPTER 21, "OFFENSES," ENTITLED "ANIMALS PROHIBITED IN CITY BUILDINGS; EXCEPTIONS" WHICH ESTABLISHED BUILDING AND FACILITIES OF THE CITY OF MARSHALL IN WHICH IT IS UNLAWFUL TO ALLOW PETS OR OTHER ANIMALS.

Mark Rohr, City Manager, stated there was no new information regarding this ordinance.

Commissioner Calhoun made a motion to approve an Ordinance amending Section 21-33 of Chapter 21, "Offenses," entitled "Animals Prohibited in City Buildings; Exceptions". Commissioner Ware seconded the motion, which passed with a vote of 7:0.

RESOLUTION

70. CONSIDER APPROVAL OF A RESOLUTION ANNOUNCING THE APPOINTMENT OF ELECTION OFFICERS FOR THE GENERAL ELECTION AND DISCUSSION OF RELATED ISSUES.

Elaine Altman, City Secretary, asked for approval of a resolution announcing the appointment of Election Officers for the 2020 General Election.

Mark Rohr presented information regarding the upcoming elections and options available for postponement due to the coronavirus (COVID-19).

The Commission engaged in discussion and asked questions.

Commissioner Calhoun made a motion to approve a Resolution announcing the appointment of Election Officers for the 2020 General Election. Commissioner Hurta seconded the motion, which passed with a vote of 7:0.

71. CONSIDER APPROVAL OF A RESOLUTION CLOSING, VACATING, AND ABANDONING THAT PORTION OF TIGER DRIVE FROM HERNDON STREET TO RAINEY STREET.

Cliff Carruth, Police Chief, asked for approval of a resolution closing, vacating and abandoning the portion of Tiger Drive from Herndon Street to Rainey Street.

Commissioner Calhoun made a motion to approve a resolution closing, vacating and abandoning the portion of Tiger Drive from Herndon Street to Rainey Street. Commissioner Hurta seconded the motion, which passed with a vote of 7:0.

72. CONSIDER APPROVAL OF A RESOLUTION CLOSING, VACATING, AND ABANDONING THAT PORTION OF DICKSON STREET FROM JARVIS STREET TO NORTH STREET.

Cliff Carruth asked for of a resolution closing, vacating and abandoning the portion of Dickson Street from Jarvis Street to North Street.

Commissioner Calhoun made a motion to approve a resolution closing, vacating and abandoning the portion of Dickson Drive from Jarvis

Street to North Street. Mayor Brown seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

73. **REPORT REGARDING CITY COMMISSION OR CITY EMPLOYEES ADVOCATING FOR BALLOT PROPOSITIONS.**

Scott Rectenwald, Acting City Attorney, presented a report regarding City Commission or City Employees advocating for ballot propositions. He stressed City resources cannot be used to promote any proposition; they can only be used to inform the citizens.

74. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

B. Street Sweeping Activity Report.

Commissioners asked questions and discussed.

Commissioner Calhoun made a motion to approve Item B from the Consent Agenda. Mayor Brown seconded the motion, which passed with a vote of 7:0.

D. Consider approval of the proposed 2020 Street Improvement Program.

Commissioners asked questions and discussed.

Commissioner Hurta made a motion to approve Item D from the Consent Agenda. Commissioner Calhoun seconded the motion, which passed with a vote of 7:0.

75. **EXECUTIVE SESSION**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072 Deliberation regarding real property: Consider, discuss and deliberate sale of property.

The Commission convened into Executive Session. The time was 12:54 p.m.

The Commission reconvened from Executive Session. The time was 1:04 p.m.

76. **ACTION ITEMS FOLLOWING EXECUTIVE SESSION, IF NECESSARY**

A. Consider authorizing City Staff to negotiate and/or execute an agreement for sale of property discussed in Executive Session.

Commissioner Hurta made a motion to authorize City Staff to negotiate and/or execute an agreement for sale of property as discussed in Executive Session. Commissioner Bonner seconded the motion, which passed with a vote of 7:0.

77. **ADJOURNMENT**

Commissioner Calhoun made a motion for adjournment. Commissioner Lewis seconded the motion, which passed with a vote of 7:0.

APPROVED:

**Mayor of the City Commission
of the City of Marshall, Texas**

ATTEST:

City Secretary

**Ordinance: O-20-07
Resolutions: R-20-07
R-20-08
R-20-09**

ITEM 5B

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT



TO: Mark Rohr, City Manager

FROM: Eric Powell, PE *EP*
Director of Public Works

DATE: April 1, 2020

SUBJECT: Street Sweeping Activity Report for March 2020

The Street Sweeping Activity Report for the month of March 2020 is attached for review by the City Commission.

At the March 26, 2020 City Commission meeting, Commissioner Calhoun and Commissioner Morris raised several questions regarding the February street sweeping activity report. As a follow-up, I offer this information:

There were fewer streets swept during the month of February as a result of several issues:

- 1) The Street Sweeper was out of service for a short time
- 2) Inclement weather (rain)
- 3) February was a short month

Also, streets in the Downtown area are swept up to 3 times per week, which is the reason that the number of times those streets are swept ranges from 7-8 times per month.

STREET SWEEPING ACTIVITY REPORT MARCH 2020

STREET NAME	NUMBER OF TIMES SWEPT
Acadia Dr.	1
Alamo Blvd.	1
Albemarle Rd.	1
N. Allen Blvd.	2
S. Allen Blvd.	2
Ann Dr.	1
Arlington Rd.	1
Austin St. (Downtown)	8
Bell St.	1
Bergstrom Place	1
Bolivar St. (Downtown)	8
Buena Vista Dr.	1
Burleson St. (Downtown)	8
Carolanne Blvd.	1
Carter St.	1
Cherrywood Circle	1
N. College St.	1
S. College St.	1
Courthouse Square (Downtown)	8
Emory St.	1
Fisher Dr.	2
Fitzgerald St.	1
Franklin St.	1
Garden Court	1
S. Garrett St.	1
Guimon Rd.	1
Hillcrest Terrace	1
W. Houston St.	1
Hughes St.	1
Idylwild Terrace	1
Indian Springs Rd.	2
Jefferson Ave.	1
John Reagan St.	1
Johnson St.	1

April 2, 2020

Laurel Lane	1
Lynoak St.	1
Norwood St.	2
Palm Plaza	1
Parker St.	2
Poplar St.	1
Rosborough Springs Rd.	2
Rusk St. (Downtown)	8
Sallie Sue Dr.	1
Shadywood Rd.	1
Slone Dr.	1
E. Travis St.	2
Van Zandt Ave.	1
University Ave.	1
N. Washington St. (Downtown)	8
Waubun St.	1
Waverly St.	1
Wellington St. (Downtown)	8
Wildwood Terrace	1

TOTAL NUMBER OF STREETS SWEEPED IN MARCH: 53

ITEM 5C

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

MEMORANDUM

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: April 2, 2020

Subject: March 2020 Municipal Court Activity Report

The attached report identifies the type and number of cases filed, financial information, number of trials/hearings, warrants and dispositions for the month of March 2020. The report also includes the number of Active and Inactive cases, compiled by the OCA (Office of Court Administration), for the period October 2019 through February 2020. Also included is an update on Community Service Applications.

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	180	24	14	0	11	229

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
\$10,211.58	\$17,637.57	\$8,234.31	\$2,156.90	\$16,204.95	\$54,445.31

Trials/Hearings

Jury	Bench	Appealed	Total
0	223	0	223

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
72	64	57	\$3,848.31	\$13,335.34	\$2,731,476

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
192	59	70	0	326

Office of Court Administration – Austin, TX

- OCA monthly report data compiled from the **October 2019** report (submitted 11/19/2019) revealed the following data:

Active cases: 1,338

Inactive cases: 4,962

- OCA monthly report data compiled from the **November 2019** report (12/19/2019) revealed the following data:

Active cases: 1,187

Inactive cases: 5,147

- OCA monthly report data compiled from the **December 2019** report (submitted 01/21/2020) revealed the following data:

Active cases: 1,071

Inactive cases: 5,193

- OCA monthly report data compiled from the **January 2020** report (submitted 02/20/2020) revealed the following data:

Active cases: 947

Inactive cases: 5,259

- OCA monthly report data compiled from the **February 2020** report (submitted 03/17/2020) revealed the following data:

Active cases: 847

Inactive cases: 5,292

Community Service Applications

As of this report date (04.01.20) municipal court has 12 applications that were distributed to defendants at previous court proceedings. These were forwarded to Lt. Huffman at the Police Department for review and assignment to various entities for completion of hours.

ITEM 5D

CONSENT AGENDA

**APPROVAL OF THE ENGAGEMENT
LETTER WITH KNUCKOLS, DUVALL,
HALLUM & CO. FOR AUDIT SERVICES
RELATED TO THE AUDIT OF THE 2019
FISCAL YEAR**

MEMORANDUM

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: March 30, 2020

Subject: Approval of the engagement letter with Knuckols, Duvall, Hallum & Co. for audit services for the 2019 fiscal year

A copy of the proposed agreement with Knuckols, Duvall, Hallum & Co. for audit services for the 2019 fiscal year is attached. The agreement provides for the same services this firm has undertaken in completing the audit of the City's annual revenues and expenditures and evaluating compliance with various requirements and standards in past years. The proposed cost for the audit for the City is \$42,500. Funds are provided for in the 2020 budget for this expense.

KNUCKOLS • DUVALL • HALLUM & CO. *A Professional Corporation*

CERTIFIED PUBLIC ACCOUNTANTS

204 S. WELLINGTON STREET
POST OFFICE BOX 1315
MARSHALL, TEXAS 75670
(903) 938-0331
FAX (903) 938-0334

ROBERT DUVALL • MICHAEL HALLUM

Member, Texas Society of Certified Public Accountants
American Institute of Certified Public Accountants
Private Companies Practice Section

March 24, 2020

Mark Rohr, City Manager
City of Marshall
P.O. Box 698
Marshall, Texas 75671

We are pleased to confirm our understanding of the services we are to provide for the City of Marshall (City) for the year ended December 31, 2019. We will audit the financial statements of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information, including the related notes to the financial statements, and supplemental schedules of the City of Marshall, and a separate report on the component units, Marshall Economic Development Corporation (MEDCO), and Marshall Downtown Development Corporation (MDDC) as of and for the year ended December 31, 2019.

Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited: Management's Discussion and Analysis

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and will provide an opinion on it in relation to the financial statements as a whole: Supplemental Schedules

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the third paragraph when considered in relation to the financial statements taken as a whole. Our audit will be conducted in accordance with U.S. generally accepted auditing standards; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of accounting records of the City, and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the City Commissioners of City of Marshall, Texas. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue a report, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control on compliance (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Audit Procedures – General

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. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute 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 City or to acts by management or employees acting on behalf of the City. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. 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.

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However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditors 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 procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements and other responsibilities required by generally accepted auditing standards.

Audit Procedures – Internal Control

Our audit will include obtaining an understanding of the entity 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. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope that would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Marshall's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of the City in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; and for the fair presentation in the financial statements, changes in fund net position, and cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for accuracy and completeness of that information. You are also responsible for providing us with access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, additional information that we may request for the purpose of the audit, and unrestricted access to persons within the organization from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying any significant vendor relationships in which the vendor has responsibility for program compliance 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 written 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 or illegal acts affecting the City involving (a) management, (b) employees who have significant roles in internal control, and (c) others where the fraud or illegal acts 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 City received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts or grant agreements, or abuse that we report.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (a) you are responsible for presentation of the supplementary information in accordance with GAAP; (b) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

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Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us, previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will locate any documents selected by us for testing.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement are the property of Knuckols, Duvall, Hallum & Co. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to federal or state agencies, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Knuckols, Duvall, Hallum & Co. personnel. Furthermore, upon request, we may provide photocopies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the date the auditors' report is issued or for any additional period requested by the Cognizant Agency. If we are aware that a federal or state awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Michael Hallum is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

We agree to perform these audits at our standard hourly rates for partners and staff assigned to the engagement and, we agree that the total fee for all services will not exceed the sum of \$52,000 (City of Marshall - \$42,500; MEDCO - \$8,500; MDDC - \$1,000). This fee includes reasonable time for furnishing ongoing advice on accounting and related matters and includes time to meet directly with the City Administrative Officials and City Commission to discuss the respective audits.

We have enclosed a copy of our most recent external Peer Review Report dated in 2019.

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City of Marshall
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We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the original and return to us in the enclosed envelope.

Very truly yours,

KNUCKOLS, DUVALL, HALLUM & CO.

Knuckols, Duvall, Hallum & Co.
Certified Public Accountants

RESPONSE:

This letter correctly sets forth the understanding of the City of Marshall.

By: _____

Title: _____

Date: _____

MCNAIR, MCLEMORE, MIDDLEBROOKS & Co., LLC
CERTIFIED PUBLIC ACCOUNTANTS
389 Mulberry Street • Post Office Box One • Macon, GA 31202
Telephone (478) 746-6277 • Facsimile (478) 743-6858
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Report on the Firm's System of Quality Control

To the Partners of Knuckols, Duvall, Hallum & Co.
and the Peer Review Committee of the
Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Knuckols, Duvall, Hallum & Co. (the firm) in effect for the year ended December 31, 2018. Our peer review was conducted in accordance with the *Standards for Performing and Reporting on Peer Reviews* established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Knuckols, Duvall, Hallum & Co. in effect for the year ended December 31, 2018, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Knuckols, Duvall, Hallum & Co. has received a peer review rating of *pass*.

McNair, McLemore, Middlebrooks & Co., LLC

McNair, McLemore, Middlebrooks & Co., LLC

Macon, Georgia
July 3, 2019

ITEM 6A

ORDINANCE

**APPROVAL OF AN ORDINANCE
CONSENTING TO THE AMENDED
DECLARATION OF LOCAL DISASTER
PROCLAIMED FOR THE CITY OF
MARSHALL BY THE MAYOR ON
MARCH 31, 2020, AND ANY MATTERS
INCIDENTAL OR RELATED TO SAID
DECLARATION**

MEMORANDUM

To: Members of the City Commission

From: City Manager, Mark Rohr

Date: April 1, 2020

Subject: Consider approval of an Ordinance consenting to the Amended Declaration of Local Disaster Proclaimed for the City of Marshall by the Mayor on March 31, 2020, and any Matters Incidental or Related to said Declaration

On March 31, 2020, the Mayor issued an amended declaration of local disaster for the City of Marshall resulting from the global pandemic of the coronavirus. This agenda item allows for the Commission to consider approval of an Ordinance consenting to the first amended declaration of local disaster proclaimed for the City of Marshall by the Mayor on March 31, 2020.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS, CONSENTING TO THE FIRST AMENDED DECLARATION OF LOCAL DISASTER PROCLAIMED FOR THE CITY OF MARSHALL BY THE MAYOR ON MARCH 31, 2020; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on March 31, 2020, the Mayor issued a first amended declaration of local disaster for the City of Marshall, Texas, resulting from the global pandemic of the novel coronavirus designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, the March 31, 2020 declaration and the findings made therein are adopted herein by reference; and,

WHEREAS, the conditions necessitating the aforesaid declaration continue to exist; and,

WHEREAS, §418.108(b) of the Texas Government Code provides that a declaration of local disaster may not be continued or renewed for a period of more than seven days without the consent of the governing body of the political subdivision; and

WHEREAS, the dictates of this Ordinance are consistent with the Texas Governor's Executive Order No. GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster;

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

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the City Commission of the City of Marshall hereby consents to the amended declaration of local disaster proclaimed for the City of Marshall by the Mayor on March 31, 2020.

Section 3. That the consent hereby given shall continue in effect until said consent is terminated by the City Commission or until the amended declaration of local disaster herein mentioned is terminated by order of the Mayor.

Section 4. That, during the continuation of the amended declaration of local disaster herein mentioned, the Mayor is authorized, without further action of the City Commission, to exercise any powers, take any actions and issue any orders authorized by law, including but not limited to, any measures authorized by Chapter 418 of the Texas Government Code, including without limitation Section 418.108 and Section 418.1015 of said chapter.

Section 5. That all provisions of the ordinances of the City of Marshall in conflict with the provision of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Marshall not in conflict with the provision of this ordinance shall remain in full force and effect.

Section 6. That should any sentence, paragraph, subdivision clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional and to this end the provisions of this ordinance are severable.

Section 7. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 8. That this ordinance and the amended declaration of local disaster mentioned herein and any continuation of said amended declaration of local disaster and any orders lawfully issued under any of same shall, collectively, constitute an ordinance adopted pursuant to the emergency management plan adopted by the City of Marshall and an ordinance governing public health and sanitation.

Section 9. That the City Attorney or the City Attorney’s designee is hereby authorized, without further action of the City Commission, to undertake, by all legal means appropriate or necessary, the enforcement of this ordinance, of the amended declaration of local disaster mentioned herein, of any continuation of said amended declaration of local disaster, and of any orders lawfully issued under any of same; and such means may include, but are not limited to: application to the proper court or courts to issue any and all proper restraining orders, temporary and permanent injunctions; the filing of any other appropriate civil actions in courts of appropriate jurisdiction; and defending the City of Marshall from suit if suit is taken to appeal any action of the City of Marshall.

Section 10. That this ordinance is approved as an emergency measure and pursuant to state and local authority for emergency measures and shall become effective immediately from and after its date of passage.

PASSED and APPROVED this _____ day of April, 2020.

CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney



**First Amended Declaration of Local Disaster and Public Health Emergency
Related to Communicable Disease**

WHEREAS, on March 26, 2020, I, Terri Brown, as Mayor of the City of Marshall, Texas, issued a declaration of local disaster and public health emergency for the City of Marshall resulting from the global pandemic of the novel coronavirus designated SARS-CoV2 which causes the disease COVID-19; and,

WHEREAS, the conditions necessitating the aforesaid declaration continue to exist; and,

WHEREAS, since March 26, 2020, additional persons in Harrison County have tested positive for the aforesaid SARS-CoV2 virus; and,

WHEREAS, in his March 22, 2020, press conference, the Governor of the State of Texas acknowledged that cities may need to enact more stringent measures to address this public health emergency; and,

WHEREAS, because of the risk of the rapid spread of the virus, the need to protect the most vulnerable members of the community, the intent to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and the desire to slow the spread of COVID-19 to the maximum extent possible, this First Amended Declaration of Local Disaster and Public Health Emergency Related to Communicable Disease (herein sometimes called this "Order") is required; and,

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Northeast Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and,

WHEREAS, making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus; and,

WHEREAS, because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus; and,

WHEREAS, the scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the healthcare system from being overwhelmed; and,

WHEREAS, one proven way to slow the transmission of the COVID-19 virus is to limit interactions among people to the greatest extent practicable; and,

WHEREAS, by reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the City;

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY TERRI BROWN, MAYOR OF THE CITY OF MARSHALL, TEXAS:

1. The declaration of local disaster and public health emergency issued for the City of Marshall on March 26, 2020, pursuant to §418.108(a) of the Texas Government Code is hereby amended.
2. The declaration of local disaster and public health emergency shall continue in effect until the Marshall City Commission terminates its consent to the continuation of this declaration or until this declaration is terminated by order of the Mayor, whichever occurs first.
3. Pursuant to §418.108(c) of the Texas Government Code, this amended declaration of local disaster and public health emergency issued for the City of Marshall on March 26, 2020, shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Texas Government Code, this amendment of the aforesaid declaration of local disaster and public health emergency continues to activate the Marshall Emergency Management Plan.
5. Whereas, the Mayor is authorized to exercise any powers, take any actions and issue any orders authorized by law, including but not limited to, any measures authorized by Chapter 418 of the Texas Government Code, including without limitation §418.108 and §418.1015 of said chapter.
6. All officers and employees of the City of Marshall, including without limitation all law enforcement officers employed by the City of Marshall and all emergency medical personnel employed by the City of Marshall, are hereby authorized and directed to continue to cooperate to the fullest extent allowed by law with the health authority designated by the City of Marshall pursuant to Chapter 121 of the Texas Health and Safety Code to enforce any and all communicable disease control measures imposed by said health authority pursuant to Chapter 81 of the Texas Health and Safety Code or other applicable law.
7. All individuals currently living within the City of Marshall, Texas (the “City”) are ordered to shelter at their place of residence. To the extent individuals are using

shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 11. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).

8. All businesses with a facility in the City, except Essential Businesses as defined below in Section 11, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 11. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open; however, even Essential Businesses are encouraged to determine essential staff necessary to operate and to send non-essential staff home. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 11 below, including, but not limited to, when any customers are standing in line.
9. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 11. Nothing in this Order prohibits the gathering of members of a household or living unit.
10. All travel, except Essential Travel and Essential Activities as defined below in Section 11, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 11 below, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
11. Definitions and Exemptions:
 - A. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities”:
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home;

- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
- iii. To engage in outdoor activity, such as, by way of example and without limitation, walking, hiking, running or riding a bicycle. Except for members of a residence who are sheltering together, the individuals shall comply with Social Distancing Requirements as defined in this Section:
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations; and
- v. To care for a family member or pet in another household.

But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

- B. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
- C. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure” which is defined as the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Security Agency (CISA), including, but not limited to, construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for

computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, and essential manufacturing operations, provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

- D. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel (including local, municipal, state and federal courts and those who serve any function in those courts), and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Function”, as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- E. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- F. For the purpose of this Order, “Essential Businesses” means:
- i. Healthcare Operations and Essential Infrastructure;
 - ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products), and liquor stores. This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - iii. Food cultivation, including farming, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Newspapers, television, radio, and other media services;

- vi. Gas stations and auto-supply, auto-repair, and related facilities;
- vii. Banks and related financial institutions;
- viii. Hardware and construction supply stores;
- ix. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- x. Businesses providing mailing and shipping services, including post office boxes;
- xi. Laundromats, drycleaners, and laundry service providers;
- xii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up or take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xiii. Businesses that supply products needed for people to work from home;
- xiv. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- xv. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xvi. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xvii. Home-based care for seniors, adults, or children;
- xviii. Residential facilities and shelters for seniors, adults, and children;

- xix. Professional services: legal, accounting, insurance, real estate services (including appraisal, survey, and title services);
 - xx. Childcare facilities providing services that enable employees exempted in this Order to work as permitted;
 - xxi. Utilities, all telecommunications including internet service providers, trash collection and disposal, law enforcement, EMS/ambulance, corrections, dispatch, private investigators, animal shelters, governmental employees who have not been specifically deemed non-essential and sent home by the government entity;
 - xxii. Janitorial and maintenance services, funeral industry, defense industry, space and technology industry, technology support, and scientific research; and
 - xxiii. Religious services provided in residences, Healthcare Operations, at funerals, or provided online while being broadcast from a religious facility.
 - xxiv. Educational institutions including public, private, elementary through high school and institutions of higher education may provide support services to effectively operate online classes and to serve students who may reside on campus.
- G. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions; and
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- H. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes:
- i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;

- ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of residence from outside the jurisdiction;
- v. Travel required by law enforcement or court order; or
- vi. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

Individuals engaged in any Essential Travel must comply with all Social Distancing requirements as defined in this Section.

- I. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities.
 - J. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
12. Non-essential businesses shall shut down except for maintaining Minimum Basic Operations as defined herein. Essential Businesses exempted from shut-down are encouraged to determine staff who are essential to operations and to send non-essential staff home.
 13. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 11 above.
 14. Sections 7 through 13 in this Order shall become effective at 11:59 p.m. on March 31, 2020, and shall continue in effect until 11:59 p.m. on April 13, 2020.
 15. All provisions of this Order should be interpreted to effectuate its intent.

16. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
17. Physicians and/or medical providers shall report all lab confirmed positive cases to the Texas Department of State Health Services at 866-310-9698 immediately.
18. In accordance with Texas Government Code §418.173, a person who knowingly or intentionally violates this Order commits an offense punishable by a fine up to \$1,000.00 and/or confinement in jail for a term that does not exceed 180 days, and each day or portion of a day that such a violation continues shall constitute a separate offense.
19. The City of Marshall shall promptly provide copies of this Order by posting it on the City of Marshall website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
20. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
21. Except as expressly provided otherwise herein, this Order shall take effect immediately from and after its issuance.

PROCLAIMED and ORDERED this 31st day of March 2020.



Terri Brown, Mayor

ITEM 6B

ORDINANCE

**APPROVAL OF AN ORDINANCE
AMENDING THE 2020 ANNUAL BUDGET
TO PROVIDE FOR ADJUSTMENTS IN
SELECTED DEPARTMENTS**

MEMORANDUM

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: April 2, 2020

Subject: Approval of an Ordinance amending the 2020 Annual Budget to provide for adjustments in selected departments and the establishment of a new Economic Development Fund

Listed below are savings opportunities that have or will free up funds to pay for 2020 reorganization expenses (also detailed below). The reorganization expenses are consistent with the 2019 Mobilize Marshall Plan and will further align staff with that plan and contribute to a more efficient organization. Net savings from these changes total \$109,093.

Savings Opportunities

• Eliminate Support Services Director Position (Salary & Benefits-11 months)	\$114,345
• Move Support Services Admin to HR (Salary & Benefits – 8 months)	\$ 33,853
• Retirement of Assistant Director of Public Works	\$ 12,141
• Close Annex Building	<u>\$ 20,000</u>
Total Savings	\$180,339

Reorganization Expenses W&S Fund

• Add Part-time Admin	\$23,525
• Superintendent – reclassify to Assistant Director (1 step pay increase)	\$ 2,839
• Public Works Admin – (2 step pay increase)	\$ 2,731
• Public Works Director – (1 step pay increase)	<u>\$ 4,030</u>
W&S Reorganization Expense	\$33,125

Reorganization Expenses General Fund

• Support Service Director move to PW Superintendent (1 step pay increase)	\$ 2,406
• Public Works Crew Supervisor (reclassify / pay increase)	\$ 2,677
• Combine 2 Part-time ROW positions to 1 Full-time position	\$ 833
• Add 1 Full-time ROW position	<u>\$32,205</u>
General Fund Reorganization Expense	\$38,121
NET SAVINGS	\$109,093

In addition, the Ordinance includes the establishment of a new Economic Development Fund (Fund 85). \$15,000 in revenue generated from the Union Pacific Railroad for abandoned right-of-ways will be allocated to this fund. The Commission approved the sale of abandoned right-of-ways on December 16, 2019.

Ordinance No. _____

AN ORDINANCE AMENDING ORDINANCE NO 19-19 TO AMEND THE 2020 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS

WHEREAS, on September 26, 2019 the City of Marshall, Texas passed Ordinance No. 19-19 adopting the 2020 Annual Budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2020 Annual Budget to better align staff and their resources to accomplish the goals outlined in the Mobilize Marshall Strategic Plan which was adopted by Resolution No. 19-14;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL THAT:

The appropriations for the fiscal year beginning January 1, 2020 and ending December 31, 2020 for the support of the General and W&S Funds be amended to appropriate funds from the following accounts:

Account Number	Description	Amount
Savings Opportunities		
01-0101-14-01/40-0101-20-01	Eliminate Support Services Director Position (Salary & Benefits-11 months)	114,345
01-0106-14-01/01-0106-14-04	Move Support Services Admin to HR (Salary & Benefits – 8 months)	33,853
40-0101-20-02/40-0104-20-04	Retirement of Assistant Director of Public Works	12,141
01-0337-16-04	Close Annex Building	20,000
Total Savings		180,339
Reorganization Expenses W&S Fund		
40-0110-20-01	Add Part-time Admin	23,525
40-0101-20-03	Superintendent – reclassify to Assistant Director (1 step pay increase)	2,839
40-0106-20-01	Public Works Admin – (2 step pay increase)	2,731
40-0101-20-01	Public Works Director – (1 step pay increase)	4,030
W&S Reorganization Expense		33,125
Reorganization Expenses General Fund		
01-0103-16-02	Support Service Director move to PW Superintendent (1 step pay increase)	2,406
01-0107-05-02	Public Works Crew Supervisor (reclassify / pay increase)	2,677
01-0110-05-06	Combine 2 Part-time ROW positions to 1 Full-time position	833
01-0108-05-06	Add 1 Full-time ROW position	32,205
General Fund Reorganization Expense		38,121
NET SAVINGS		109,093

The appropriations for the fiscal year beginning January 1, 2020 and ending December 31, 2020 for the establishment of the Economic Development Fund – (Fund 85):

Economic Development Fund – (Fund 85) \$ 15,000

PASSED AND APPROVED THIS _____ DAY OF _____, 2020.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2020.

AYES: _____

NOES: _____

ABSTAINED: _____

MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

ITEM 6C

ORDINANCE

**APPROVAL OF AN ORDINANCE
AMENDING THE 2020 ANNUAL BUDGET
TO APPROPRIATE FUNDS FROM
RESERVES**

MEMORANDUM

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: April 2, 2020

Subject: Approval of an Ordinance amending the 2020 Annual Budget to appropriate funds from Reserves

The attached ordinance provides for a budget amendment by appropriating \$215,620 from the General Fund unobligated reserves and \$39,502 from the Water and Sewer Enterprise Fund unobligated reserves. These amendments are necessary to provide additional funds for the following:

GENERAL FUND

Nondepartmental Health Insurance – This amendment provides for **\$92,235** of incremental health insurance premiums. The expenditure was approved by the Commission on December 12, 2019.

Nondepartmental Professional Services – This amendment provides for **\$46,885** of incremental expenses for demolition, disposal, slab reconstruction and asbestos removal of the Perkins Building. \$222,315 of this expense was paid for by a Community Development Block Grant. The commission approved this expenditure at the December 12, 2019 commission meeting.

Nondepartmental Professional Services – This amendment provides for **\$42,500** of engineering services performed by Hayes Engineering for the Downtown Redevelopment Plan.

Public Services Streets – This amendment provides for **\$58,000** of street light electric service. The adopted Budget for this service was not sufficient to cover this expense. It also provides for **\$173,083** of funds to pay for the Johnston St. Construction Sidewalk project approved by the Commission on February 8, 2018.

WATER & SEWER ENTERPRISE FUND

Nondepartmental Health Insurance – This amendment provides for **\$39,502** of incremental health insurance premiums. The expenditure was approved by the Commission on December 12, 2019.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. O-19-19 TO AMEND THE 2020 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS

WHEREAS, on September 26, 2019 the City of Marshall, Texas passed Ordinance No. O-19-19 adopting the 2020 annual budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2020 annual budget to provide for additional expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the original budget;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL THAT:

The appropriations for the fiscal year beginning January 1, 2020 and ending December 31, 2020 for the support of the General Fund be amended to appropriate funds from General Fund Reserves to provide additional funds needed for the following:

General Fund Amendments

	<u>Increase in 2020 Expense Budget</u>
Nondepartmental:	
Health Insurance (01-0302-12-00)	92,235
Professional Services (01-0305-12-00)	89,385
Public Services:	
Streets (01-0356-05-02)	<u>\$ 231,083</u>
Net Increase	<u>\$ 412,703</u>

Water & Sewer Fund Amendments

The appropriations for the fiscal year beginning January 1, 2020 and ending December 31, 2020 for the support of the Water & Sewer Fund (Fund 40) to be amended to appropriate funds from Water & Sewer Fund Reserves to provide additional funds needed for the following:

	<u>Increase in 2020 Expense Budget</u>
Nondepartmental:	
Health Insurance (40-0302-21-00)	<u>\$ 39,502</u>
Net Increase	<u>\$ 39,502</u>

PASSED AND APPROVED this _____ day of _____, 2020.

AYES: _____
 NOES: _____
 ABSTAINED: _____

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020.

AYES: _____
 NOES: _____
 ABSTAINED: _____

 MAYOR OF THE CITY COMMISSION
 OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

ITEM 7A

RESOLUTION

DISCUSSION OF AND CONSIDERATION OF A RESOLUTION POSTPONING THE MAY 2, 2020 ELECTIONS

Memorandum

To: Mark Rohr, City Manager
From: Elaine Altman, City Secretary
Date: April 1, 2020
Subject: Postponement of the May 2, 2020 City General and Special Elections

In accordance with the Governor's proclamation issued on March 18, 2020, attached is a Resolution that will postpone the May 2, 2020 City Elections listed below, to the next uniform election date occurring on November 3, 2020.

- City Commissioners General Election for Districts 6 and 7
- Special Election to fill a Vacancy for District 2
- Special Election reauthorizing the local sales and use tax for maintenance and repair of municipal streets
- Special Election for the adoption or rejection of sixteen (16) proposed amendments to the City Charter

It is my recommendation that the City Commission adopt the attached Resolution.

**R-20-
RESOLUTION**

ORDER AND NOTICE OF POSTPONEMENT OF:

- **CITY GENERAL ELECTION FOR DISTRICTS 6 & 7**
- **SPECIAL ELECTION TO FILL A VACANCY IN DISTRICT 2**
- **SPECIAL ELECTION FOR A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF MARSHALL AT THE RATE OF ONE-EIGHTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS**
- **SPECIAL ELECTION TO CONSIDER SIXTEEN (16) PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF MARSHALL PROVIDING FOR THE CITY'S FORM OF GOVERNMENT; BOUNDARIES POWERS; CITY COUNCIL; CITY OFFICERS, TERMS AND TERM LIMITS, VACANCIES AND FORFIETURES OF OFFICE; FINANCIAL PROCEDURES; BUDGETING; ISSUANCE OF DEBT; TAXATION; ELECTIONS OF CITY COUNCIL; INITIATIVE; REFERENDUM AND RECALL FRANCHISES AND REGULATION OF PUBLIC UTILITIES; FINANCIAL INTERESTS FOR CITY COUNCIL AND OFFICERS; CLAIMS AGAINST THE CITY; LIENS, ASSIGNMENTS; GARNISHMENT AND SECURITY BONDS; ALL OF THE ABOVE AS ALLOWED BY THE STATE LAW OF TEXAS; REPEALING OBSOLETE PROVISIONS AND ADDING A NEW PROVISION TO ALLOW RENUMBERING AND REARRANGING THE CHARTER AS LONG AS NO SUBSTANTIVE CHANGE IS MADE; CORRECTING TYPOGRAPHICAL ERRORS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

To the Resident Qualified Voters of the City of Marshall, Texas:

WHEREAS, a proclamation issued by Texas Governor Greg Abbott on the 18th day of March 2020, allowing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office; and

WHEREAS, a general election was ordered to be held on May 2, 2020, by the City Commission on the 23rd day of January 2020, to elect Commissioners from Districts 6 and 7; and

WHEREAS, the deadline for filing an application for a place on the ballot was February 14, 2020 at 5:00 p.m.: and

WHEREAS, the deadline for write-in candidates to file declarations of write-in candidacy was February 18, 2020 at 5:00 p.m.; and

WHEREAS, a special election was ordered to be held on May 2, 2020, by the City Commission on the 12th day of December 2019, to elect a Commissioner from District 2; and

WHEREAS, a special election was ordered to be held on May 2, 2020, by the City Commission on the 13th day of February 2020, for the voters to consider a proposition relating to the reauthorization of one-eighth of one percent to continue providing revenue for maintenance and repair of the municipal streets; and

WHEREAS, a special election was ordered to be held on May 2, 2020, by the City Commission on the 13th day of February 2020, for the purpose of submitting to the voters sixteen (16) amendments to the City Charter of the City of Marshall; and

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARSHALL:

1.

The General and Special Elections described herein which were to be held on May 2, 2020, are hereby postponed only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting any term of office, pursuant to the Governor of Texas' March 18, 2020 proclamation.

2.

The candidate filings for the election will remain valid for the election held on the November date and the filing period will not be re-opened for the November election date.

3.

All Applications for Ballot by Mail (ABBMs) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and ABBMs for voters who submitted ABBMs based on expected absence from the county will not be valid for the postponed election.

4.

Major relevant dates for the November election are: voter registration deadline of October 5, 2020, the deadline to submit an ABBM will be October 23, 2020, and the dates for early voting will be October 19, 2020 – October 30, 2020.

This resolution shall become effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED this _____ day of April 2020.

AYES: _____

NOES: _____

ABSTAINED: _____

MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

**R-20-
Resolución**

PEDIDO Y AVISO DE POSTPONEMENT DE:

- **ELECCION GENERAL DE LA CIUDAD PARA LOS DISTRITOS 6 Y 7**
- **ELECCION SPECIAL PARA LLENAR UNA VACANCY EN EL DISTRITO 2**
- **ELECCION ESPECIAL PARA UN PROPUESTA SOBRE LA CUESTIÓN DE LA REAUTORIZACIÓN DEL IMPUESTO LOCAL SOBRE VENTAS Y USO EN LA CIUDAD DE MARSHALL A LA TASA DE UN OCTAVO DE UNO POR CIENTO PARA SEGUIR PROPORCIONANDO INGRESOS PARA EL MANTENIMIENTO Y REPARACIÓN DE CALLES MUNICIPALES**
- **ELECCION ESPECIAL PARA CONSIDERAR SIXTEEN (16) ENMIENDAS PROPUESTAS A LA CARTA DE LA CIUDAD DE MARSHALL QUE PROPORCIONA LA FORMA DE GOBIERNO DE LA CIUDAD; PODERES DE LÍMITES; AYUNTAMIENTO; OFICINAS DE CIUDAD, CONDICIONES Y LIMITACIONES DE CONDICIONES, VACANCIES Y FORFIETURES DE OFICINA; PROCEDIMIENTOS FINANCIEROS; PRESUPUESTO; EMISION DE DEBT; IMPUESTOS; ELECCIONES DEL AYUNTAMIENTO; INICIATIVA; REFERENADO Y RECALL FRANQUICIAS Y REGLAMENTO DE UTILIDADES PUBLICAS; INTERESES FINANCIEROS PARA CONSEJO De CIUDAD Y OFICINAS; RECLAMACIONES CONTRA LA CIUDAD; LIENS, ASIGNACIONES; BONOS DE EMBARGO Y SEGURIDAD; TODO LO ANTERIOR SEGÚN LO PERMITIDO POR LA LEY ESTATAL DE TEXAS; DEROGAR LAS DISPOSICIONES OBSOLETAS Y AGREGAR UNA NUEVA DISPOSICION PARA PERMITIR LA RESPONSABILIDAD Y REVOLVER EL CARTA SIEMPRE Y CUANDO NO SE REALICE NINGÚN CAMBIO SUSTANTIVO; CORREGIR ERRORES TIPOGRAFICOS; Y PROPORCIONANDO PARA SEVERABILIDAD Y UNA FECHA EFECTIVA.**

A los Votantes Calificados Residentes de la Ciudad de Marshall, Texas:

CONSIDERANDO QUE, una proclamación emitida por el gobernador de Texas, Greg Abbott, el¹⁸ de marzo de 2020, que permite a las subdivisiones políticas que de otro modo celebrarían elecciones el 2 de mayo de 2020, trasladar sus elecciones generales y especiales para 2020 sólo a la próxima fecha de elección uniforme, que ocurra el 3 de noviembre de 2020, sin ajustar de otro modo el mandato; Y

CONSIDERANDO que la Comisión Municipal ordenó que la Comisión Municipal celebrara unas elecciones generales el 2 de mayo de 2020 para elegir a los Comisionados de los Distritos 6 y 7; Y

CONSIDERANDO que la fecha límite para presentar una solicitud de una solicitud de inscripción en la boleta electoral fue el 14 de febrero de 2020 a las 5:00 p.m.: y

CONSIDERANDO que , la fecha límite para que los candidatos por escrito presenten declaraciones de candidatura por escrito era el 18 de febrero de 2020 a las 5:00 p.m.; Y

CONSIDERANDO que la Comisión municipal ordenó que la Comisión municipal celebrara una elección especial el 2 de mayo de 2020 para elegir a un Comisionado del Distrito 2; Y

CONSIDERANDO que la Comisión Municipal ordenó que la Comisión municipal celebrara una elección especial el¹³ de febrero de 2020 para que los electores consideraran una propuesta relativa a la reautorización de un octavo del uno por ciento para seguir proporcionando ingresos para el mantenimiento y la reparación de las calles municipales; Y

CONSIDERANDO que la Comisión de la Ciudad ordenó que la Comisión de la Ciudad celebrara una elección especial el¹³ de febrero de 2020, con el fin de presentar a los votantes dieciséis (16) enmiendas a la Carta de la Ciudad de la Ciudad de Marshall; y

POR LO TANTO, SER RESUELTO POR LA COMISIÓN DE LA CIUDAD DE LA CIUDAD DE MARSHALL:

1.

Las Elecciones Generales y Especiales descritas aquí que se celebrarían el 2 de mayo de 2020, se posponen sólo a la siguiente fecha de elección uniforme, que ocurre el 3 de noviembre de 2020, sin ajustar de otra manera ningún mandato, de conformidad con la Marcha del Gobernador de Texas 18, 2020 proclamación.

2.

Las solicitudes de candidatos para la elección seguirán siendo válidas para la elección celebrada en la fecha de noviembre y el período de presentación no se reabrirá para la fecha de la elección de noviembre.

3.

Todas las Solicitudes de Votación por Correo (ABBM) para los electores que están votando por correo debido a ser mayores de 65 años o debido a la discapacidad seguirán siendo válidas para la elección pospuesta, y los ABBMs para los votantes que enviaron ABBMs basados en la ausencia esperada del condado no serán válido para la elección aplazada.

4.

Las principales fechas relevantes para las elecciones de noviembre son: fecha límite de registro de electores del 5 de octubre de 2020, la fecha límite para presentar un ABBM será el 23 de octubre de 2020, y las fechas para la votación anticipada serán del 19 de octubre de 2020 al 30 de octubre de 2020.

Esta resolución entrará en vigor inmediatamente después de su aprobación.

PASADO, APROBADO Y ADOPTADO este _____ de abril de 2020.

AYES: _____

NOES: _____

Se abstuvieron: _____

ALCALDE DE LA COMISIÓN DE LA CIUDAD
DE LA CIUDAD DE MARSHALL, TEXAS

Atestiguar:

SECRETARIO DE LA CIUDAD

ITEM 8A

APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 5-YEAR CONSOLIDATED PLAN AND THE 2020 PROGRAM YEAR ANNUAL ACTION PLAN.



Agenda Information Sheet

April 9, 2020

Agenda Item

Consider approval of the Community Development Block Grant 5 year Consolidated Plan and the 2020 Program Year Annual Action Plan.

Background & Summary of Request:

On February 27th the City Commission conducted a public hearing regarding proposed budget/annual action plan for our Five Year Consolidated Plan and 2020 Community Development Block Grant program. Since that meeting staff has not received any comments or questions regarding the proposed action plan. Below is the plan as recommended by the Community Development Advisory Committee:

Category	Proposed 2019 Annual Action Plan
Administration	\$72,260.00
Code Enforcement	\$68,000.00
Boys & Girls Club	\$16,250.00
Marshall – Harrison County Literacy	\$12,000.00
Mission Marshall Food Bank	\$12,000.00
Housing Rehab	\$100,000.00
Demolition & Blight Removal	\$68,000.00
Marshall Connection	\$9,792.00
Total	\$361,302.00

Tonight's agenda item calls for the Commission to approve the above Annual Action Plan, once approved the plan will be forwarded to the Department of Housing and Urban Development for acceptance by the required deadline of April 15th, 2020.

ITEM 9

ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 10

ADJOURNMENT