

THE STATE OF TEXAS  
CITY OF RIO HONDO  
COUNTY OF CAMERON

Rick Tello, Commissioner Place 1  
Margaret Perez, Mayor Pro-Tem  
Joseph Lopez, Commissioner Place 5

Esteban Bocanegra, Place 2  
Olga Gallegos, Commissioner Place 4

Gustavo Olivares  
Mayor

**Notice of a Regular Meeting of the  
City Commission of the City of Rio Hondo  
April 26, 2022**

Revised 5.09 pm

Pursuant to Chapter 551, Tittle 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the governing body of the City of Rio Hondo, Texas will convene for a **Regular Meeting at 6:30 p.m. on Tuesday April 26, 2022**, at the **City Commission Chambers** on the Second Floor of the Rio Hondo Municipal Building located at 121 N. Arroyo Blvd., Rio Hondo, Texas 78583.

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PLEDGE OF ALLEGIANCE

UNITED STATES PLEDGE

INVOCATION:


**Regular Agenda:**

1. Mayor's and Commissioner's Report
2. Administrator's Report
3. **Public Comment Period: *Please Note- The Public Comment Period is designated for hearing concerns regarding City of Rio Hondo Public Policy or City of Rio Hondo business that is or is not on the agenda or items listed on the agenda.***
4. Consideration and Action March 8, 2022, and April 12 City Commission meeting minutes.
5. Consideration and Action Proclaiming April as Fair Housing Month in the City of Rio Hondo.
6. Consideration and Action Proclaiming April 29<sup>th</sup> 2022 as Earth Day in the City of Rio Hondo.
7. Consideration and Action in designating May 5, 2022 as the Rio Hondo National Day of Prayer.
8. Consideration and Action adopting a Resolution to designate, authorized signatories for the 2021 Texas CDBG program, grant agreement number CDV21-0190.

9. Consideration and Action adopting a Resolution adopting required Civil Rights Policies, Citizen Participation Plan, Excessive Force Policy, Section 504 Policy, Code of Conduct and Fair Housing Policy.
10. Presentation on the October 1, 2020 to September 30, 2021 Single Audit for the City of Rio Hondo.
11. Consideration and Action adopting the October 1, 2020 to September 30, 2021 Single Audit for the City of Rio Hondo.
12. Consideration and Action authorizing a contract with Guzman and Munoz for the design and construction oversight of the 2022 CDBG Street Project.
13. Second Public Hearing on an Ordinance 2022-02 of the City Commission of the City of Rio Hondo, Texas providing for the requirements for Alarm System registration, providing for the suspension of alarm registration in certain circumstances, providing for the duties of alarm companies, providing for a penalty or fine for each offense, providing and providing for an effective date.
14. Adjournment

Note: The City Commission for the City of Rio Hondo reserves the right to adjourn into executive session at any time during this meeting to discuss any matters, 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).

***Note: The Meeting is accessible to Americans with Disabilities. Persons with disabilities who plan to attend this meeting and who may need assistance, please call the City Secretary at (956) 748-2102, with at least twenty-four hours prior to the meeting.***

  
\_\_\_\_\_  
Gustavo Olivares  
Mayor of the City of Rio Hondo

**POSTED**

I, City Secretary for the City of Rio Hondo, do hereby certify that this Notice of Meeting is a true and correct record and was posted in the bulletin board outside City Hall, and the bulletin board in the City Hall lobby, at 121 N. Arroyo Blvd, Rio Hondo, Texas 78583 and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

DATE: 4/22/2022 TIME: 12:00pm

# Item 4 Minutes

## MINUTES FROM A REGULAR MEETING ON MARCH 8, 2022

The Government Body of the City of Rio Hondo, Texas met in a Regular Meeting on March 8, 2022 at 6:30 pm in the Commission Chambers at City Hall, with Mayor- Gustavo Olivares Presiding- Present, Mayor Pro-Tem- Margaret Perez - Present and Commissioners, Rick Tello- Present, Esteban Bocanegra- Present, Olga Gallegos- Present, and Joseph Lopez- Present.

### PLEDGE OF ALLEGIANCE

**INVOCATION: Invocation was led by Commissioner Margaret Perez**

### Regular Agenda:

1. Mayor's and Commissioner's Report the City Commission had no reports
2. Administrator's Report
3. **Public Comment Period: *Please Note- The Public Comment Period is designated for hearing concerns regarding City of Rio Hondo Public Policy or City of Rio Hondo business that is or is not on the agenda or items listed on the agenda.*** No Public Comments were given.
4. Acknowledgement of the Rio Hondo Racial Profiling Report for the year 2021. Mr. William Bilokury presented the 2021 Year Rio Hondo Racial Profiling Report. He explained that the report is of traffic violations report within the city limits. The report states that in calendar year there were 692 traffic violations and of those 89.47% were his panic drivers. Mr. Lopez asked if the report cover the year 2022. The City Commission acknowledged the report
5. Consideration and Action enacting and enforcing the Rio Hondo Water Conservation Plan as described in Ordinance No 259 for the month March 2022 through August 2022. Mr. Medina explained because the water tank was going to be repair and take out of service, he was requesting enforcement of to limit the water use for non-essential services. Mr. Tello if the carwash was going to be affected. Mr. Medina stated that the Car Wash had only two stalls operating because of ongoing repairs. Commissioner Lopez motioned to enact and the Water Conservation Plan for the month of March to August 2022. The motion was seconded by Commissioner Gallegos and passed unanimously.
6. Consideration and Action to negotiate a contract with Gomez Mendez Saenz for architectural services for the planning, design, and project monitoring of a Splash Pad at City/County Park. Mr. Medina explained that to architect firms had submitted qualifications. A review committee scored the proposals and Gomez Mendez Saenz had received the highest score. Mr. state that this firm had designed and over seen the park construction of City County Park. Commissioner Tello moved to contract with Gomez Mendez Saenz for the construction and oversight for the Slash Pad Project. The motion was seconded by Commissioner Lopez and passed unanimously.
7. Executive Session the City Commission went into executive session at 6.52 pm. Commissioner Lopez made the motion seconded by Commissioner Bocanegra. The motion passed unanimously.  
**Item (A)** Consultation with the attorney as described in the Texas Local Government Code, Section 551.071 regarding request for information requests. **Item (B)** Section 551.071and Section 551.072

and Section 551.086 regarding lots 3-4 Block 22 of the Rio Hondo Original Townsite. **Item (C)** Section 551.071 and Section 551.072 and Section 551.086 regarding purchase of the Original Townsite and Lots 1 and 2 Block 10 of the Original Townsite regarding possible sale or purchase.

8. The City Commission came into Open Session at 7:27 pm and no action was taken on items discussed in Executive Session.

9. Adjournment

# Item 5 Fair Housing

**PROCLAMATION OF APRIL AS FAIR HOUSING MONTH**

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of The City of Rio Hondo, do proclaim April as Fair Housing Month in City of Rio Hondo and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Passed and adopted by The City of Rio Hondo, Cameron County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED:**

\_\_\_\_\_  
Gustavo Olivares, Mayor

**ATTEST:**

\_\_\_\_\_  
Ben Medina, City Manager

# Item 6 Earth Day



April 29th | 10 A.M

City County Park, 1005 S. Reynolds  
Street, Rio Hondo, Texas

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# EARTH DAY EVENT

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The City of Rio Hondo will do its part of improve the Worlds Tree Canopy by planting ten trees at City County Park. This project will involve students from the Rio Hondo Elementary School and City Commissioners and Mayor and city staff.

Sponsored by City of Rio Hondo

# Item 7 National Day of Prayer

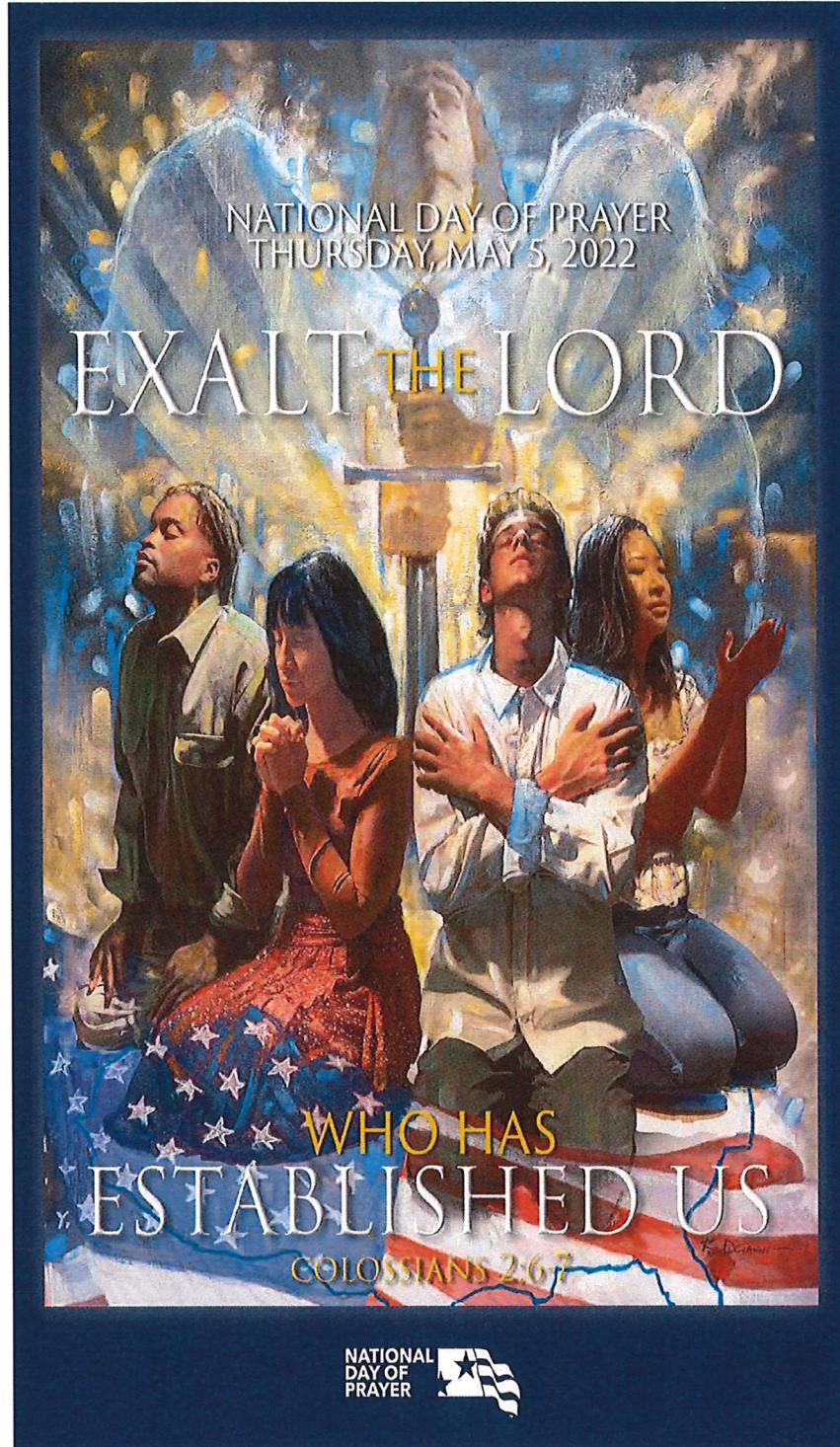
Thursday, May 5<sup>th</sup>, 2022

12 : 13 : 33 : 18

DAYS HRS MIN SEC

[Home](#) (1) / 2022 Theme: Exalt the Lord who has Established Us

## 2022 Theme: Exalt the Lord who has Established Us



### Social Media Theme Images

- [Download Facebook Image](https://d3n8a8pro7vhmx.cloudfront.net/nationaldayofprayer/pages/8927/attachments/original/1632430422/Facebook_NDP_2022-Theme-Social-Media.jpg)  
([https://d3n8a8pro7vhmx.cloudfront.net/nationaldayofprayer/pages/8927/attachments/original/1632430422/Facebook\\_NDP\\_2022-Theme-Social-Media.jpg](https://d3n8a8pro7vhmx.cloudfront.net/nationaldayofprayer/pages/8927/attachments/original/1632430422/Facebook_NDP_2022-Theme-Social-Media.jpg))
- [Download Twitter Image](https://d3n8a8pro7vhmx.cloudfront.net/nationaldayofprayer/pages/8927/attachments/original/1632430425/Twitter_NDP_2022-Theme-Social-Media.jpg?1632430425)  
([https://d3n8a8pro7vhmx.cloudfront.net/nationaldayofprayer/pages/8927/attachments/original/1632430425/Twitter\\_NDP\\_2022-Theme-Social-Media.jpg?1632430425](https://d3n8a8pro7vhmx.cloudfront.net/nationaldayofprayer/pages/8927/attachments/original/1632430425/Twitter_NDP_2022-Theme-Social-Media.jpg?1632430425))

# Item 8 CDBG Signatures

**RESOLUTION AUTHORIZING SIGNATORIES**

**A RESOLUTION BY THE CITY COUNCIL OF CITY OF RIO HONDO DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) GRANT AGREEMENT NUMBER CDV21-0190.**

**WHEREAS**, The City of Rio Hondo has received a 2021 Texas Community Development Block Grant award to provide 03K - Street Improvements; and

**WHEREAS**, it is necessary to appoint persons to execute contractual documents, environmental review documents, and documents requesting grant funds from the Texas Department of Agriculture, and;

**WHEREAS**, all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

**NOW, THEREFORE**, The City of Rio Hondo directs and designates the following to act in all matters in connection with this grant:

- The Mayor and City Manager shall serve as the Chief Executive Officer and Authorized Representative to execute contractual documents;
- The Mayor and City Manager are authorized to review and execute environmental review documents between the Texas Department of Agriculture and the City of Rio Hondo; and
- The Mayor, City Manager, and Finance Director are authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF RIO HONDO, TEXAS,**  
on \_\_\_\_\_, 2022.

**APPROVED:**

\_\_\_\_\_  
Gustavo Olivares, Mayor

**ATTEST:**

\_\_\_\_\_  
Ben Medina, City Manager

# Item 9 CDBG Polices

## **Resolution Regarding Civil Rights**

### **The City of Rio Hondo, Texas**

Whereas, The City of Rio Hondo, Texas, (hereinafter referred to as "City of Rio Hondo") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, The City of Rio Hondo, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, The City of Rio Hondo, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, The City of Rio Hondo, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, The City of Rio Hondo, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, The City of Rio Hondo, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, The City of Rio Hondo, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds;

Whereas, the The City of Rio Hondo, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and

Whereas, The City of Rio Hondo, agrees to 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.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF RIO HONDO, TEXAS, THAT THE CITY OF RIO HONDO ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Excessive Force Policy (Form A1003);
3. Section 504 Policy and Grievance Procedures (Form A1004);
4. Code of Conduct Policy (Form A1002), and
5. Fair Housing Policy (Form 1015).

The City of Rio Hondo affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity;
7. Limited English Proficiency; and
8. Affirmatively Further Fair Housing

\_\_\_\_\_  
Signature

Gustavo Olivares, Mayor  
Name, Title

\_\_\_\_\_  
Date

03/01/2022



**CITY OF RIO HONDO  
CITIZEN PARTICIPATION PLAN  
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

*Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:*

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have "meaningful access" to all aspects of the TxCDBG project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents include Citizen Participation notices (e.g. complaint procedures, hearing notices) civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov.

**COMPLAINT PROCEDURES**

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at The City of Rio Hondo offices, 121 N Arroyo, Rio Hondo, TX 78583, (956) 748-2102 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Rio Hondo at 121 N Arroyo or PO Box 389, Rio Hondo TX 78583, or may call (956) 748-2102.

A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to The City of Rio Hondo

2. Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

09/01/2020

## TECHNICAL ASSISTANCE

When requested, The City of Rio Hondo

shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City of Rio Hondo, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

## PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by The City of Rio Hondo, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.

Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and The City of Rio Hondo

3. must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City of Rio Hondo

shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

At a minimum, The City of Rio Hondo

1. shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.

The City of Rio Hondo

2. shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City of Rio Hondo

must comply with the following citizen participation requirements in the event that the City of Rio Hondo receives funds from the TxCDBG program:

The City of Rio Hondo

1. shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.

Upon completion of the TxCDBG project, The City of Rio Hondo

2. shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

The City of Rio Hondo

4. shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

\_\_\_\_\_  
Signature

Gustavo Olivares, Mayor  
Name, Title

\_\_\_\_\_  
Date

09/01/2020

**LA CIUDAD DE CITY OF RIO HONDO  
PLAN DE PARTICIPACIÓN CIUDADANA  
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

*Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del inglés:*

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en inglés.

Para obtener más información, consulte LEP.gov.

**PROCEDIMIENTOS DE QUEJA**

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en La Ciudad de dirección postal City of Rio Hondo, 121 N Arroyo, Rio Hondo, TX 78583, (956) 748-2102, en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la Mayor, a City of Rio Hondo, 121 N Arroyo or PO Box 389, Rio Hondo, TX 78583, (956) 748-2102.
2. Una copia de la queja o reclamación se transmitirá por el alcalde a la entidad que es encargada de la queja o reclamación y al Abogado de La Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El alcalde deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado.

## ASISTENCIA TÉCNICA

Cuando lo solicite, La Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

## DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por La Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y La Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, La Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.
2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que La Ciudad recibe fondos del programa TxCDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, La Ciudad celebrará una audiencia pública y revisará el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en inglés y español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

\_\_\_\_\_  
Firma/Signature

Gustavo Olivares, Mayor  
Nombre, Título /Name, Title

\_\_\_\_\_  
Fecha/Date

09/01/2020

**Excessive Force Policy**

In accordance with 24 CFR 91.325(b)(6), The City of Rio Hondo hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of The City of Rio Hondo to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of The City of Rio Hondo to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction; and
3. The City of Rio Hondo will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Rio Hondo, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

Gustavo Olivares, Mayor  
Name, Title

\_\_\_\_\_  
Date

## **Section 504 Policy Against Discrimination Based on Handicap and Grievance Procedures**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Rio Hondo hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Rio Hondo does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Rio Hondo's recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Rio Hondo shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Rio Hondo shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
  - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Rio Hondo to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
  - b. Complaints should be addressed to the Mayor, PO Box 389, Rio Hondo, TX, 78583 or call (956) 748-2102, who has been designated to coordinate Section 504 compliance efforts.
  - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
  - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
  - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.



- g. The Section 504 coordinator shall maintain the files and records of The City of Rio Hondo relating to the complaint files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to The City of Rio Hondo within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that The City of Rio Hondo complies with Section 504 and HUD regulations.

\_\_\_\_\_  
Signature

Gustavo Olivares, Mayor  
Name, Title

\_\_\_\_\_  
Date

## Code of Conduct Policy of The City of Rio Hondo

As a Grant Recipient of a TxCDBG contract, City of Rio Hondo shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of The City of Rio Hondo shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/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.

No officer, employee, or agent of The City of Rio Hondo shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

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.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict-of-interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to The City of Rio Hondo Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

\_\_\_\_\_  
Signature

Gustavo Olivares, Mayor  
Name, Title

\_\_\_\_\_  
Date

*These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318*

03/01/2022

**Fair Housing Policy**

In accordance with Fair Housing Act, The City of Rio Hondo hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Rio Hondo agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Rio Hondo agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Rio Hondo will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Rio Hondo, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

\_\_\_\_\_  
Signature

Gustavo Olivares, Mayor  
Name, Title

\_\_\_\_\_  
Date

# Item 10 Single Audit

# **Item 13 Ordinance 2022-02**

## Ordinance 2022-02

**Ordinance 2022-02 of the City Commission of the City of Rio Hondo, Texas providing for the requirements for Alarm System registration, providing for the suspension of alarm registration in certain circumstances, providing for the duties of alarm companies, providing for a penalty or fine for each offense, providing and providing for an effective date.**

BE ORDINANCE BY THE CITY COMMISSION OF THE CITY OF RIO HONDO, TEXAS AS AUTHORIZED UNDER THE TEXAS LOCAL GOVERNMENT CODE SECTION 214.207.

### SECTION 1. PURPOSE

(A) The purpose of this Ordinance is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.

(B) This Ordinance governs Alarm Systems intended to summon law enforcement response, and requires registration, establishes fees, provide for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

### SECTION 2. DEFINITIONS

In this Ordinance the following terms and phrases shall have the following meanings:

- (A) **Act of God** means an extraordinary interruption by natural causes (such as a flood, earthquake, or severe weather) of the usual course of events that experience, foresight, or care cannot reasonably foresee or prevent.
- (B) **Alarm Administrator** means a Person or Persons designated by the governing authority to administer, control and review False Alarm reduction efforts and administer the provisions of this Ordinance.
- (C) **Alarm Installation Company** means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, or installing an Alarm System in an Alarm Site. This definition shall also include individuals or firms that install and service the Alarm Systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., “do-it-yourselfers”).
- (D) **Alarm Dispatch Request** means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.
- (E) **Alarm Permit or Registration** means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.
- (F) **Alarm Site** means a single fixed premises or location served by an Alarm System or Systems that are under the control of one owner or tenant. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site and is further defined by the following categories:
  - 1. **Residential site** means a single-family residence and each residential unit of a multi-unit building or complex which is served by an Alarm System

2. **Commercial site** means every premises or location where any business activity is regularly conducted, and which is served by an Alarm System. Each unit of a business premises or business location, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate commercial alarm system site.
3. **Educational site** means every premises or location of a public or private school or school administrative office
4. **Government site** means every premises or location of any federal, state, county or municipal government office.

(G) **Alarm System** means a *control panel, arming station(s)*, and a device, or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and *is* intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.

(H) **Alarm User** means any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who (which) owns or operates an Alarm System which is not monitored, maintained or repaired under contract.

(I) **Alarm User Awareness Class** means a class conducted for the purpose of educating Alarm Users about the responsible use, operation, and maintenance of Alarm Systems and the problems created by False Alarms.

(J) **Arming Station** means a device that allows control of an Alarm System.

(K) **Automatic Voice Dialer** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

(L) **Cancellation** means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.

(M) **Conversion** means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

(N) **Duress Alarm** means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

(O) **False Alarm** means an Alarm Dispatch Request to a law enforcement agency, when a response is made by the law enforcement agency within thirty (30) minutes of the Alarm Dispatch Request and the responding law enforcement officer finds from an inspection of the interior and/or exterior of the Alarm Site no evidence of a criminal offense or attempted criminal offense.

(P) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

- (Q) **Law Enforcement Authority** means the Commissioner, Superintendent, Sheriff, Chief of Police, director or other authorized representative of a law enforcement agency.
- (R) **License** means a license issued by the Texas Department of Public Safety Private Security Bureau to an Alarm Installation Company and Monitoring Company to sell, install, monitor, repair, or replace Alarm Systems.
- (S) **Local Alarm System** means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.
- (T) **Monitoring** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.
- (U) **Monitoring Company** means a Person in the business of providing Monitoring services.
- (V) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)
- (W) **Panic Alarm** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.
- (X) **Person** means an individual, corporation, partnership, association, organization or similar entity.
- (Y) **Responder** means an individual capable of reaching the Alarm Site within \_\_40\_\_ minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System. *(The time allowed should be determined by the city based on its population and size. It is suggested that a minimum, thirty (30) minutes be allowed to respond. This will need to match the requirements of Section 3(F)6 and Section 4(A)2.)*
- (Z) **SIA Control Panel Standard CP-01** means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”
- (AA) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.
- (BB) **Verify** means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm User by telephone whether actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch.
- (CC) **Zones** means division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

### **SECTION 3. REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS**



(A) No Alarm User shall operate, or cause to be operated, an Alarm System, which is intended to summon police response at its Alarm Site without a valid Alarm Permit. A separate Alarm Permit is required for each Alarm Site. *An Alarm Permit is not valid if it has been denied or revoked, has not been renewed, or has expired.*

(B) *The Alarm Site must have a valid Alarm Permit for the police department to respond to the location unless the Alarm Dispatch Request is for a Duress Alarm, Holdup Alarm or a Panic Alarm.*

(C) No Alarm User shall allow a Monitoring Company to make an Alarm Dispatch Request to an Alarm Site that does not have a valid Alarm Permit.

(D) The fee for an Alarm Permit or an Alarm Permit renewal shall be determined from time to time by resolution of the city council or governing body, not to exceed \$50.00 for residential permits and \$100.00 for commercial permits. No refund of a registration or registration renewal fee will be made. The initial Alarm Permit fee must be submitted to the Alarm Administrator within five (5) days after the Alarm System installation or Alarm System Takeover and shall be paid by the Alarm User.

(E) Upon receipt of a completed Alarm Permit application form and the Alarm Permit fee, the Alarm Administrator shall register the applicant unless the applicant has:

- (1) Failed to pay a fine assessed under Section 7; or
- (2) Had an Alarm Permit for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(F) Each Alarm Permit application must include the following information

- (1) The name, complete address (including apt/suite number), and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this article;
- (2) The classification of the Alarm Site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- (3) For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent;
- (4) Mailing address, if different from the address of the Alarm Site;
- (5) Any dangerous or special conditions present at the Alarm Site;
- (6) Names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an Alarm System activation at any time; (b) respond to the Alarm Site within 40 minutes at any time; and (c) upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary; *(The time allowed should be determined by the city based on its population and size. It is suggested that at a minimum, thirty (30) minutes be allowed to respond. This will need to match the requirements of Section 4(A)2)*
- (7) Type of business conducted at a commercial Alarm Site;
- (8) Signed certification from the Alarm User stating the following:

- (a) The date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
  - (b) The name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, Conversion or Takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System;
  - (c) The name, address, and telephone number of the Monitoring Company if different from the Alarm Installation Company;
  - (d) That a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company; and
  - (e) That the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms.
- (9) That law enforcement response may be influenced or prevented by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(G) Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Permit shall be sufficient cause for refusal to issue a registration.

(H) An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Permit application within five (5) business days of such change.

(I) All fines and fees owed by an applicant must be paid before an Alarm Permit may be issued or renewed.

### **SECTION 3.1. ALARM REGISTRATION DURATION AND RENEWAL**

An Alarm Permit shall expire twelve (12) months from the date of issuance, and must be renewed annually by submitting an updated application and a registration renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew thirty (30) days prior to the expiration of the registration. It is the responsibility of the Alarm User to submit an application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered Alarm System and may result in:

- (A) Non-response to Alarm Dispatch Requests;
- (B) The assessment of citations and penalties; and
- (C) A \$50.00 late fee may be assessed if the renewal is more than thirty (30) days late

### **SECTION 4. DUTIES OF THE ALARM USER**

(A) An Alarm User shall:

- (1) Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;

(2) Make every reasonable effort to have a Responder to the Alarm System's location within \_\_\_40\_\_\_ minutes when requested by the law enforcement agency in order to:

- (a) Deactivate an Alarm System;
- (b) Provide access to the Alarm Site; and/or
- (c) Provide alternative security for the Alarm Site.

(3) Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was designed to report.

(B) An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated.

(C) An Alarm User shall not use Automatic Voice Dialers.

(D) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

(E) All Alarm Users shall agree with their Alarm Installation Company and/or Monitoring Company to go through an "acclimation period" for the first \_\_\_10\_\_\_ days after installation of an Alarm System during which time the Alarm Installation Company and/or Monitoring Company will have no obligation to and will not respond to any Alarm Signal from the Alarm Site, excluding Panic, Duress, and Holdup signals and will not make an

Alarm Dispatch Request to law enforcement, even if the Alarm Signal is the result of an actual alarm event. Individuals that have installed their own system as well as firms with proprietary systems shall comply with all of the requirements in this Section for Alarm Users.

## **SECTION 5. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY** (Ref. Occupations Code 1702.286)

(A) Upon the installation or activation of an Alarm System, the Alarm Installation Company shall distribute to the Alarm User information summarizing:

- (1) The applicable law relating to False Alarms, including the potential for penalties and revocation or suspension of an Alarm Permit;
- (2) How to prevent False Alarms;
- (3) How to operate the Alarm System; and
- (4) Ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm.

(B) The Alarm Installation Company shall notify the municipality in which the Alarm System is located of an installation or activation of an Alarm System not later than the 30th day after the date of the installation or activation. The Alarm Installation Company shall provide to the municipality:

- (1) The Alarm Installation Company name;
- (2) The Alarm Installation Company license number;

- (3) The name of the Alarm User at the Alarm Site;
- (4) The Alarm Site address; and
- (5) The date of installation or activation.

(C) An Alarm Installation Company commits a Class C misdemeanor offense if the company violates (A) or (B) of this section.

(D) The duties imposed by this section on an Alarm Installation Company do not apply to the installation or activation of a personal emergency response system, as defined under Texas Occupation Code, Section 1702.331.

(E) Upon the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs, an Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.

(F) Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.

(G) An Alarm Installation Company may not install any Alarm System on or after January 1, 2007, that includes a detection device control panel unless the control panel is listed to meet at a minimum the ANSI/SIA CP-01- Control Panel Standard - Features for False Alarm Reduction. (Ref. Occupations Code 1702.287)

(H) An Alarm Installation or Monitoring Company shall not use Automatic Voice Dialers.

(I) The Monitoring Company shall not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the first 10 days following an Alarm System installation. The Alarm Administrator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption

(J) A Monitoring Company shall:

- (1) Verify every alarm signal, except Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal. This will require a minimum of 2 calls being made to the premise or alternate phone number before an Alarm Dispatch Request is made.
- (2) Report alarm signals and dispatch request by using telephone numbers designated by the Alarm Administrator
- (3) Verify every alarm signal, except a Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal. This will require a minimum of 2 calls being made to the premise or alternate phone number before an Alarm Dispatch Request is made.
- (4) Communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;

- (5) Communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;
- (6) Communicate any available information (permit number, north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;
- (7) Communicate type of alarm activation (silent or audible, interior or perimeter);
- (8) After an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;
- (9) Attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made;
- (10) Upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Administrator may make a written request for copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request; and

- (11) Upon the effective date of this Ordinance, Monitoring Companies must immediately provide the Law Enforcement Authority with the names and phone numbers of the Alarm User's emergency contacts, at the time of the Alarm Dispatch Request or within a reasonable amount of time after the Alarm Dispatch Request if the Law Enforcement Authority calls back to request the information.

(K) An Alarm Installation Company and/or Monitoring Company shall provide the Alarm Administrator with a complete list of active customers, annually, to assist the Alarm Administrator with creating and maintaining the law enforcement's tracking data. The customer information will be provided in a format the Alarm Company is capable of producing and will include the following:

- (1) Permit Number (where applicable)
- (2) Customer name
- (3) Alarm Site address
- (4) Installation or activation date
- (5) Alarm company License number

(L) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another entity shall notify the Alarm Administrator of such purchase and provide a complete list of the acquired customers, in a format the Alarm Company is capable of producing, that includes the following:

- (1) Permit Number (where applicable)
- (2) Customer name
- (3) Alarm Site address
- (4) Acquisition date
- (5) Alarm company License number

(M) Information provided to a governmental body under this section is confidential and may not be disclosed to the public except as required by law. (Ref. Occupations Code Sec.1702.284)

## **SECTION 5.1 LICENSE OR LICENSING**

All Alarm Installation Companies and Monitoring Companies shall maintain a License through the Texas Department of Public Safety Private Security Bureau. (Ref. Occupations Code Sec. 1702.102)

## **SECTION 6. DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR**

(A) The Alarm Administrator shall:

- (1) Designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests; and
- (2) Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

(B) The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below.

- (1) Identification of the Alarm Permit number for the Alarm Site;
- (2) Identification of the Alarm Site;
- (3) Date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;
- (4) Date and time of law enforcement officer arrival at the Alarm Site;
- (5) Zone and Zone description, if available;
- (6) Weather conditions;
- (7) Name of Alarm User's representative at Alarm Site, if any;
- (8) Identification of the responsible Alarm Installation Company or Monitoring Company;
- (9) Whether law enforcement officer was unable to locate the address of the Alarm Site; and
- (10) Cause of alarm signal, if known.

(C) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. The notice shall include the following information:

- (1) The date and time of law enforcement response to the False Alarm;
- (2) The identification number of the responding law enforcement officer; and
- (3) A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.

(D) The Alarm Administrator may create and implement an Alarm User Awareness Class. The Alarm Administrator may request the assistance of Associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform Alarm Users of the problems created by False Alarms and teach Alarm Users how to avoid generating False Alarms.

(E) The Alarm Administrator may require an Alarm User to remove a Holdup Alarm that is a single action, non-recessed button, if a false Holdup Alarm has occurred.

(F) The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User.

## **SECTION 7. FINES**

(A) An Alarm User shall be subject to fines, depending on the number of False Alarms within the previous 12-month period based upon the following schedule: (Ref. Local Government Code 214.197)

<u># Of False Alarms</u>	<u>Fine</u>
1 – 3 false alarms	\$0
4 – 5 false alarms	\$ 50.00 each
6 – 7 false alarms	\$ 75.00 each
8 false alarms and above	\$100.00 each

(B) An Alarm User may be fined fifty (\$50.00) dollars for failure to provide a Responder when requested by Law Enforcement Authority.

(C) An Alarm User may have the option of completing an Alarm User Awareness Class in lieu of paying one prescribed fine.

(D) If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.

(E) If law enforcement takes longer than thirty (30) minutes to respond to the Alarm Dispatch Request, this is not a False Alarm for the purpose of fines, and no fines will be assessed. (Ref. Local Government Code 214.196)

(F) Notice of the right of Appeal under this ordinance will be included with any fines.

## **SECTION 8. NOTIFICATION**

The Alarm Administrator shall notify the Alarm User in writing after each False Alarm. The notification shall include: the amount of the fine for the False Alarm, notice that the Alarm User can attend Alarm User Awareness Class to waive a fine, the fact that response will be suspended after the eighth (8<sup>th</sup>) False Alarm, excluding Duress, Holdup and Panic Alarms, and a description of the appeals procedure available to the Alarm User.

The Alarm Administrator will notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing thirty (30) days before alarm response is to be suspended. Suspension of alarm response does not apply to Duress, Holdup and Panic Alarms. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Installation Company or Monitoring Company.

## **SECTION 9. SUSPENSION OF RESPONSE**

(A) The Alarm Administrator may suspend law enforcement response to an Alarm Site by revoking the Alarm Permit if it is determined that:

- (1) The Alarm User has had at a minimum, eight (8) or more False Alarms in the previous twelve (12) month period; (Ref. Local Government Code 214.195)
- (2) There is a statement of a material fact known to be false in the application for a registration;
- (3) The Alarm User has failed to make timely payment of a fine assessed under Section 7 or fee assessed under Section 3; or
- (4) The Alarm User has failed to submit a written certification from an Alarm Installation Company that complies with the requirements of this article, stating that the Alarm System has been



inspected and repaired (if necessary) and/or the Alarm Installation Company has conducted additional training.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which the Alarm Permit is revoked and is subject to enforcement and penalties set in Sections 7 and 12.

(C) Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority will refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Permit is revoked.

(D) If the Alarm Permit is reinstated pursuant to Section 11, the Alarm Administrator may again suspend law enforcement response to the Alarm Site by again revoking the Alarm Permit if it is determined that eight (8) False Alarms have occurred within the previous twelve (12) months after the reinstatement date.

## **SECTION 10. APPEALS**

(A) If the Alarm Administrator assesses a fine or denies the issuance, renewal or reinstatement of an Alarm Permit, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company.

(B) The Alarm User, Alarm Installation Company or Monitoring Company may appeal an assessment of a fine or the revocation of an Alarm Permit to the Alarm Administrator by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the fine or notice of revocation.

(C) The Alarm User or the Alarm Installation Company or Monitoring Company may appeal the decision of the Alarm Administrator to the Law Enforcement Authority as follows:

- (1) The applicant, Alarm User, Alarm Installation Company or the Monitoring Company may file a written request for a review by paying an appeal fee of twenty-five (\$25) dollars and setting forth the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator. Appeal fees will be returned to the appealing Alarm User, Alarm Installation Company or Monitoring Company if the appeal is upheld.
- (2) The Law Enforcement Authority shall conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). The Municipal Judge will be the Hearing Official. This Official will have authority to conduct such hearings. This person will make a decision based on the preponderance of evidence presented at the hearing. The Law Enforcement Authority must render a decision within fifteen (15) days after the date of the hearing either affirming or reversing the decision of the Hearing Official.

(D) Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an Alarm Permit or requiring payment of a fine, until the Law Enforcement Authority has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.

(E) Alarm Administrator or Law Enforcement Authority may adjust the count of False Alarms based on:

- (1) Evidence that a False Alarm was caused by an Act of God;
- (2) Evidence that a False Alarm was caused by action of the telephone company;

- (3) Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
- (4) Evidence that the Alarm Dispatch Request was not a False Alarm;
- (5) Evidence that the law enforcement officer response was not completed in thirty (30) minutes or less; and/or (Ref. Local Government Code 214.196)
- (6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.

## **SECTION 11. REINSTATEMENT**

A Person whose Alarm Permit has been revoked may, at the discretion of the Alarm Administrator or the Law Enforcement Authority, have the Alarm Permit reinstated by the Alarm Administrator or the Law Enforcement Authority if the Person:

(A) Submits a new application and pays a fifty (\$50.00) dollar for residential and one hundred (\$100.00) dollar for commercial reinstatement fee;

(B) Pays, or otherwise resolves, all outstanding citations and fines;

(C) Submits a certification from an Alarm Installation Company, stating that the Alarm System has been repaired or adjusted in an attempt to eliminate False Alarms, and that the Alarm Permit holder has been made aware of behavioral issues that may cause False Alarms. This should include but is not limited to the effects of pets, home decorations, changes in the environment on security devices; as well as the need to train anyone that has access to the premises in the proper operation of the Alarm System; and to provide them with a code to arm/disarm the Alarm System and a password to identify themselves to the Monitoring Company in an alarm situation;

(D) Submits a certification from an Alarm Installation Company per the requirements of Texas Occupations Code, Section 1702.286 pertaining to the Alarm Company providing the Alarm User information on:

(1) The law relating to False Alarms, including potential penalties and the revocation or suspension of an Alarm Permit;

(2) How to prevent false alarms; and

(3) How to properly operate the alarm system

(E) Attends an Alarm User Awareness Class developed by the Alarm Vendor.

***(F) If the Alarm Permit is revoked a second time in the following 12 month period due to excessive False Alarms, the Permit Holder must comply with all of the above referenced items and replace the Control Panel and Arming Station(s) with equipment that meet the requirements of the American National Standards – SLA CP-01 Control Panel Standard Features for False Alarm Reduction. The Alarm Installation Company must certify these equipment upgrades in writing.***

## **SECTION 12. ENFORCEMENT AND PENALTIES**

Enforcement of this Ordinance may be by civil action as provided in [\*], under municipal law.

\* Reference appropriate section of your municipal or state penal code.

### **SECTION 13. CONFIDENTIALITY**

In the interest of public safety, all information contained in and gathered through the Alarm Permit applications, records relating to Alarm Dispatch Requests and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information. The provisions of Texas Occupations Code 1702.284 shall apply to all records obtained or archived by this ordinance. This information shall not be subject to public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.

### **SECTION 14. GOVERNMENT IMMUNITY**

Alarm Permit is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Permit, the Alarm User acknowledges that law enforcement response may be influenced or prevented by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

### **SECTION 15. SEVERABILITY**

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect \_\_\_\_\_.

\_\_\_\_\_  
ATTEST: Ben Medina  
City Administrator

\_\_\_\_\_  
Gustavo Olivares  
Mayor