

**JOINT AGENDA  
NORTHEAST TEXAS ECONOMIC DEVELOPMENT DISTRICT AND  
ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS MEETING  
September 30, 2021**

The Northeast Texas Economic Development District (NETEDD) and Board of Directors of the Ark-Tex Council of Governments (ATCOG) will meet at 10:00 a.m., Thursday, September 30, 2021, at the Titus County Extension Office, located at 1708 Industrial Road, Mt. Pleasant, Texas, as well as, via teleconference/webinar.

**If attending via Zoom, use the following information to register for the meeting:**  
[https://us06web.zoom.us/join/ztZctdOGtrTojHNU\\_DTsXm1Rn2GluM9AUUEAf](https://us06web.zoom.us/join/ztZctdOGtrTojHNU_DTsXm1Rn2GluM9AUUEAf)

*If you experience issues while registering or do not have access to a computer, please contact Marla Matthews no less than two (2) workdays prior to the meeting at 903.255.3555 or [mmatthews@atcog.org](mailto:mmatthews@atcog.org).*

Item 1. Call to order – Quorum Determination.

Item 2. Invocation.

Item 3. Public Comment.

*ATCOG invites members of the public to provide oral comment on any item included on this agenda under this item. Each person wishing to make a public comment shall be limited to 3 minutes with comments directed to the Board as a whole. Reasonable accommodation shall be made for members of the public utilizing a translator for public comment.*

**NETEDD Agenda Items**

- Item 4. Approval of the minutes as submitted for the NETEDD meeting held Thursday, June 24, 2021, at the Titus County Extension Office, Mt. Pleasant, Texas, as well as, via teleconference/webinar. (See page 4)
- Item 5. Review and consider approval of NETEDD's portion of ATCOG's Financial Plan for fiscal year ending September 30, 2022. (Plan to be provided prior to meeting)
- Item 6. Review and consider approval for the ATCOG Executive Director to apply for a Build Back Better Regional Challenge grant through the U.S Department of Commerce Economic Development Administration (EDA). (See page 9; to be presented by staff member Toni Lindsey)

***This concludes all NETEDD agenda items.***

**ATCOG Board of Directors Agenda Items**

- Item 7. Review and consider consent agenda items. (To be presented by Executive Director Chris Brown)
- Approval of the minutes as submitted for the ATCOG Board of Directors Meeting held Thursday, June 24, 2021, at the Titus County Extension Office, Mt. Pleasant, Texas, as well as, via teleconference/webinar. (See page 11)

- Approval of the minutes as submitted for the ATCOG Homeland Security Advisory Committee Meeting held August 19, 2021, at the Hopkins County Fire Department, Sulphur Springs, Texas. (See page 16)
- Ratification of the Interlocal Cooperation Agreement between ATCOG and the Public Safety Office within the Office of the Governor. (See Addendum page 1)

### **Executive Closed Session**

Item 8. The Board of Directors will recess the Open Session and go into Executive Closed Session to discuss personnel matters as allowed in the Texas Open Meetings Act, Section 551.074, Executive Director's performance evaluation.

### **Open Session/Regular Business**

Item 9. The Board of Directors will reconvene in Open Session and take action on Item 8, as necessary. (To be presented by Board President, L.D. Williamson, Judge, Red River County)

Item 10. Review and consider approval of ATCOG's Financial Plan for fiscal year ending September 30, 2022. (Plan to be provided prior to meeting)

Item 11. Review and consider authorizing the Executive Director to proceed with the procurement of a contractor to complete renovations at the Texarkana office building. (See page 18; to be presented by Executive Director Chris Brown)

Item 12. Review and consider approval of revisions to ATCOG Policy and Procedures Manual. (See page 20, to be presented by staff member Mary Beth Rudel)

Item 13. Review and consider approval of the utilization of ATCOG's indirect cost rate for ATCOG employees working on behalf of the Texarkana Urban Transit District. (See page 21; to be presented by staff member Mary Beth Rudel)

Item 14. Review and consider annual renewal of the ATCOG Ethics Policy Manual and review Transportation Program funding requirements pertaining to integrity and ethical behavior as mandated by the Texas Transportation Commission and Texas Department of Transportation (TXDOT). (See page 24; to be presented by staff member Leslie McBride)

Item 15. Review and consider approval of updates to the Equal Employment Opportunity Plan as required by the Texas Department of Transportation. (See page 26 and Addendum page 32; to be presented by staff member Leslie McBride)

Item 16. Review and consider adoption of the ATCOG Flexible Benefits Cafeteria Plan for FY 2022, as authorized under Section 125 of the Internal Revenue Code of 1986. (See page 28 and Addendum page 48; to be presented by staff member Leslie McBride)

Item 17. Review and consider approval of continual use of allocation formula for FY2022 as the method for allocating State Homeland Security Program (SHSP) funds to jurisdictions. (See page 30; to be presented by staff member Whitney Fezell)

Item 18. Review and consider approval of the new resolution to include the updated grant ending date and the statement required by the Office of Governor, Criminal Justice Division. (See page 34; to be presented by staff member Patricia Haley)

- Item 19. Review and consider approval of the appointment of two new Regional Criminal Justice Advisory Committee (RCJAC) members to serve through December 31, 2021. (See page 36; to be presented by staff member Patricia Haley)
- Item 20. Review and consider approval to combine the November Executive Committee and December Board of Director meetings into one Board of Directors meeting to be held Thursday, December 9, 2021. (to be presented by staff member Marla Matthews)
- Item 21. Presentation from the Texas Attorney General's office regarding the Global Opioid Settlement.

*(Lunch to be served)*

### **Other Business**

- Item 22. ATCOG annual meeting presentations.

### **Announcements**

The next Executive Committee meeting will be held Thursday, October 28, 2020, at 10:00 a.m., at 1708 Industrial Road, Mt. Pleasant, Texas, as well as, via teleconference/webinar.

*Pursuant to the Texas Open Meeting Act, Government Code Chapter 551 one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 and Section 551.074 arising out of the attorney's ethical duty to advise ATCOG concerning legal issues arising from an agenda item. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.*

*Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Administration at 903-832-8636 two (2) work days prior to the meeting so that appropriate arrangements can be made.*

*All agendas are sent electronically and available at [www.atcog.org](http://www.atcog.org). Should any Board Member need a copy printed and available at the meeting, please call 903.255.3555 or email [mmatthews@atcog.org](mailto:mmatthews@atcog.org).*

**JOINT MINUTES  
NORTHEAST TEXAS ECONOMIC DEVELOPMENT DISTRICT AND  
ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS MEETING  
June 24, 2021**

The Northeast Texas Economic Development District (NETEDD) and the Board of Directors of the Ark-Tex Council of Governments (ATCOG) met at 10:00 a.m., Thursday, June 24, 2021, at the Titus County Extension Office, located at 1708 Industrial Road, Mt. Pleasant, Texas, as well as, via teleconference/webinar.

Item 1. L.D. Williamson, Judge, Red River County, called the meeting to order, with a quorum present.

Item 2. Scott Norton, CEO, TexAmericas, gave the invocation.

Item 3. Public Comment.

No members of the public made a comment.

**NETEDD Agenda Items**

Item 4. The first order of business was to review and consider approval of the minutes as submitted for the NETEDD meeting held Thursday, March 25, 2021, via teleconference/webinar.

Motion to approve was made by Scott Lee, Judge, Franklin County, and seconded by Robert Newsom, Judge, Hopkins County. No further discussion. Motion carried. It was approved.

Item 5. Toni Lindsey, Regional Development Manager, presented for consideration and approval of the submission of a grant application to the US Department of Agriculture Rural Utilities Service Revolving Funds for Financing Water and Wastewater Projects.

Motion to approve was made by Becky Wilbanks, Judge, Cass County, and seconded by Brian Lee, Judge, Titus County. No further discussion. Motion carried. It was approved.

***This concluded all NETEDD Agenda Items.***

**ATCOG Board of Directors Agenda Items**

Item 6. Chris Brown, Executive Director, introduced and welcomed the appointed ATCOG Board members:

- Rebecca Crawford, Alderman, City of Deport
- Harold Nash, Sr., Councilman, City of Sulphur Springs
- Gary Spraggins, Councilman, City of Sulphur Springs

Following the Board member introductions, Mr. Brown introduced Ms. Marla Matthews as the new ATCOG Executive Assistant.

Mr. Brown then presented the following consent agenda items:

- Approval of the minutes as submitted for the ATCOG Board of Directors meeting held Thursday, March 25, 2021, via teleconference/webinar.
- Acceptance of the minutes as submitted for the Area Agency on Aging Regional Advisory Council meeting held Thursday, June 3, 2021, via teleconference/webinar.

- Acceptance of the minutes as submitted for the Solid Waste Advisory Committee meeting held Tuesday, June 1, 2021, via teleconference/webinar.
- Acceptance of the submission of a Section 5311 – Rural Area Federal Formula Program renewal application to the Texas Department of Transportation.

Motion to approve was made by John Sellers, Mayor, Sulphur Springs, and seconded by Robert Newsom, Judge, Hopkins County. No further discussion. Motion carried. It was approved.

### **Review and Comment**

Item 7. Paul Prange, Environmental Resources Coordinator, presented for review and comment on applications to Texas Commission on Environmental Quality (TCEQ) to renew permits.

- U.S. Department of the Army, Red River Army Depot
- Petty Water Supply and Sewer Service Corporation, Lamar County, Texas

Motion to approve was made by Scott Lee, Judge, Franklin County, and seconded by Stan Wyatt, NETX Municipal Water District. No further discussion. Motion carried. It was approved.

Item 8. Mary Beth Rudel, Deputy Director, presented for review and comment on a grant application by the Salvation Army Texarkana, Arkansas, to be submitted to the U.S. Department of Housing and Urban Development for an Emergency Solutions Grant for year 2021-2022.

Motion to approve was made by Judge Brian Lee, and seconded by Judge Scott Lee. No further discussion. Motion carried. It was approved.

### **Regular Business**

Item 9. Lisa Reeve, Manager, presented for consideration and approval of the revised Area Agency on Aging (AAA) Policy and Procedures.

Ms. Reeve stated that the policy format was completely changed to comply with State requirements, but that only minor content changes were made.

Motion to approve was made by Judge Scott Lee, and seconded by Mayor John Sellers. No further discussion. Motion carried. It was approved.

Item 10. Mr. Prange presented for consideration and approval of membership changes on the Solid Waste Advisory Committee (SWAC).

- Appointment - Daci Rawson, appointed by the SWAC to serve as representative for Hopkins County, Texas

Motion to approve was made by Judge Newsom and seconded by Mayor Sellers. No further discussion. Motion carried. It was approved.

Item 11. Mae Lewis, Director of Housing Programs, presented for consideration and approval of the ATCOG Housing Choice Voucher Program Annual Plan.

Motion to approve was made by Judge Brian Lee and seconded by Mr. Scott Norton. No further discussion. Motion carried. It was approved.

Item 12. Ms. Lewis presented for review and approval of the submission of an application to Texas Department of Housing and Community Affairs for 2021 Emergency Solutions Grant (ESG) Program funds.

Motion to approve was made by Mr. Wyatt and seconded by Judge Wilbanks. No further discussion. Motion carried. It was approved.

Item 13. Ms. Rudel presented the review and consideration for approval of revisions to the ATCOG Policies and Procedures Manual.

The following revision to the policy and procedures manual was proposed:

- 9.13 Telecommuting policy will be added in section 9.0 Work Schedules and Time Reporting of the manual.

Motion to approve was made by Judge Newsom and seconded by Ann Rushing, Mayor, City of Clarksville. No further discussion. Motion carried, approved unanimously.

Item 14. Leslie McBride, Human Resources Director, presented for consideration and approval for the authorization of the Executive Director to sign the Rerate and Benefit Verification Form with Texas Municipal League Health to continue to provide health, dental and life insurance benefits to staff for Plan Year 2021-2022.

ATCOG proposed to make a defined contribution of \$789.82, a 2% Increase, or \$16.78 increase per month, to each employee per month.

Motion to approve was made by Judge Brian Lee and seconded by Mr. Wyatt. No further discussion. Motion carried. It was approved.

Item 15. Melinda Tickle, Finance Director, presented for consideration and approval of the Investment Policy that establishes procedures to be followed in investing funds for ATCOG.

Motion to approve was made by Judge Wilbanks and seconded by Mr. Wyatt. No further discussion. Motion carried. It was approved.

Item 16. Ms. Tickle presented for consideration and approval of the Accounting Policy and Procedures Manual that establishes procedures to be followed in the ATCOG Finance Department.

Motion to approve was made by Judge Newsom and seconded by Mayor Sellers. No further discussion. Motion carried. It was approved.

Item 17. Ms. Tickle, presented for consideration and approval of the proposed Salary Schedule for ATCOG for fiscal year ending September 30, 2022.

Motion to approve was made by Scott Lee, seconded by Scott Norton. No further discussion. Motion carried. It was approved.

Item 18. Mr. Chris Pruitt, Pattillo, Brown & Hill, L.P., for ATCOG Board review and consider and consideration for approval of ATCOG Financial Statement and Auditor's Report for the twelve-month period ending September 30, 2020.

Ms. Tickle introduced Mr. Pruitt to present the Financial Statement and Auditor's report.

Motion to approve was made by Mayor Sellers and seconded by Mr. Wyatt. No further discussion. Motion carried. It was approved.

Item 19. Mr. Brown presented for consideration of approval to cancel the July ATCOG Executive Committee Meeting.

Motion to approve was made by Gary Spraggins, Councilman, Sulphur Springs, and seconded by Judge Brian Lee. No further discussion. Motion carried. It was approved.

### **Other Business**

Item 20. Mr. Brown discussed the FY22 Financial Work Plan preparations. He stated that a draft budget will be presented to the ATCOG Executive Committee in August.

Judge Newsom thanked Mr. Brown and the ATCOG Team for a successful 2020.

Mr. Brown introduced Mr. Keith Whitfield, City Manager of Daingerfield.

### **Announcements**

Mr. Brown announced that the next Executive Committee meeting will be held August 26, 2021, at 10:00 a.m., at the Titus County Extension Office, Mt. Pleasant, Texas, as well as via teleconference/webinar.

With no further announcements, Judge Williamson adjourned the meeting.

### **NETEDD BOARD MEMBERS PRESENT**

Ann Rushing, Mayor, City of Clarksville  
Becky Wilbanks, Judge, Cass County  
Brian Lee, Judge, Titus County  
John Sellers, Mayor, City of Sulphur Springs  
L.D. Williamson, Judge, Red River County  
Robert Newsom, Judge, Hopkins County  
Scott Lee, Judge, Franklin County  
Scott Norton, President/CEO, TexAmericas Center  
Stan Wyatt, NETX Municipal Water District

### **EXECUTIVE COMMITTEE MEMBERS PRESENT**

Ann Rushing, Mayor, City of Clarksville  
Becky Wilbanks, Judge, Cass County  
Brian Lee, Judge, Titus County  
John Sellers, Mayor, City of Sulphur Springs  
L.D. Williamson, Judge, Red River County  
Robert Newsom, Judge, Hopkins County  
Scott Lee, Judge Franklin County  
Scott Norton, President/CEO, TexAmericas Center  
Stan Wyatt, NETX Municipal Water District

### **ATCOG BOARD MEMBERS PRESENT**

Gary Spraggins, Councilman, City of Sulphur Springs  
Harold Nash, Councilman, City of Sulphur Springs  
Lowell Walker, Mayor, City of DeKalb  
Rebecca Crawford, Alderman, City of DePort

### **GUESTS PRESENT**

Brandon Mallory, Pittsburg Gazette  
Chris Pruitt, Pattillo, Brown & Hill, L.P.  
Glenda Bassham, Sulphur Springs Hopkins County Economic Development Corporation  
Kim Cox, Paris News  
Reece DeWoody, Senator John Cornyn's Office  
Todd Kleiboer, Sulphur Springs News Telegram

Chris Brown, Executive Director  
Leslie McBride, Human Resources Director  
Lisa Reeve, Area Agency on Aging Director  
Marla Matthews, Executive Assistant  
Mary Beth Rudel, Deputy Director  
Melinda Tickle, Finance Director  
Melody Harmon, Economic Development Manager  
Patricia Haley, Criminal Justice Coordinator  
Paul Prange, Environmental Resources Coordinator  
Rea Allen, 9-1-1 Program Director  
Toni Lindsey, Regional Development Manager  
Whitney Fezell, Homeland Security Coordinator

ATTEST:



## **BRIEFING PAPER**

### **ITEM 6:**

Review and consider approval for the ATCOG Executive Director to apply for a Build Back Better Regional Challenge grant through the U.S Department of Commerce Economic Development Administration (EDA).

### **BACKGROUND:**

The U.S. Department of Commerce Economic Development Administration (EDA) recently released a Notice of Funding Opportunity (NOFO) for the American Rescue Plan Act (ARPA) Build Back Better Regional Challenge (BBBRC). Through this opportunity, EDA aims to assist communities and regions impacted by the coronavirus pandemic. This ARPA BBBRC NOFO is designed as a two-phase competition to (1) help regions develop transformational economic development strategies and (2) fund the implementation of those strategies that will create and grow regional growth clusters. Such efforts will help regional economies recover from the pandemic and build economic diversity and resiliency to mitigate impacts of future economic disasters.

In Phase 1, EDA will provide technical assistance grants in the amount of \$500,000 to approximately 50-60 coalitions. These coalitions will be considered “finalists” and the \$500,000 grants will be used by the finalists to prepare more detailed applications for transformational projects. In Phase 2, EDA will select 20-30 of the finalist coalitions to receive \$25-75 million (and potentially up to \$100 million) each to fund the collection of projects they identified.

### **DISCUSSION:**

NETEDD’s ARPA Build Back Better Regional Challenge grant application is being designed to support advanced manufacturing clusters in the NETEDD ATCOG and ETCOG regions to transform their economies through groups of complementary, aligned projects. These projects will be organized in a vision to maximize the advanced manufacturing industry within the region through improving rail access, utilizing valuable coal mine property, creating a sustainable workforce through education, and bringing new industry to the regions.

Phase 1 of the project will identify the regional assets (manufacturing within the regions), coal mine properties, rail roads, education entities, workforce; the regional leadership (employers, private sector involvement); the plans sustainability (how the plan will grow and prosper in the future); and the plans equity (how the plan will reach the rural areas and benefit the regions and beyond).

The grant application will target specific projects: TexAmericas Center and Sulphur Springs Coal mine property in the **ATCOG** region; and Coal Mine project closures in Harrison and Camp Counties in the **ETCOG** region. Workforce and education entities throughout the regions will also be included in the plan design.

Phase 1 application deadline: October 19, 2021. Anticipated award date: December 8, 2021.

### **RECOMMENDATION:**

Staff recommend approval.

**RESOLUTION NO. NBD21-05**

**RESOLUTION OF THE NORTH EAST TEXAS ECONOMIC DEVELOPMENT DISTRICT, INC. APPROVING THE EXECUTIVE DIRECTOR TO APPLY FOR A U.S. DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) AMERICAN RESCUE PLAN ACT (ARPA) BUILD BACK BETTER REGIONAL CHALLENGE (BBBRC) GRANT IN THE AMOUNT OF \$500,000.00.**

**WHEREAS**, EDA aims to assist communities and regions impacted by the coronavirus pandemic; and

**WHEREAS**, the ARPA BBBRC grant is designed as a two-phase competition to (1) help regions develop transformational economic development strategies and (2) fund the implementation of those strategies that will create and grow regional growth clusters; and

**WHEREAS**, such efforts will help regional economies recover from the pandemic and build economic diversity and resiliency to mitigate impacts of future economic disasters; and

**WHEREAS**, NETEDD's ARPA BBBRC grant application is being designed to support advanced manufacturing clusters in the NETEDD ATCOG and ETCOG regions to transform their economies through groups of complementary, aligned projects; and

**WHEREAS**, no match funds are required for phase 1.

**NOW, THEREFORE BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

Section 1 - That the Board of Directors approves the Executive Director to apply for an EDA BBBRC grant in the amount of \$500,000.00.

Section 2 - That the Executive Director, Chris Brown, has full authority to act on behalf of the ATCOG Board in all matters pertaining to the grant.

Section 3 - That this resolution is approved by majority vote in accordance with the bylaws of Ark-Tex Council of Governments and applicable law, and shall be in effect immediately upon its adoption.

**REVIEWED AND APPROVED THIS 30TH DAY OF SEPTEMBER, 2021.**

---

**L. D. Williamson, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

---

**JOINT MINUTES  
NORTHEAST TEXAS ECONOMIC DEVELOPMENT DISTRICT AND  
ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS MEETING  
June 24, 2021**

The Northeast Texas Economic Development District (NETEDD) and the Board of Directors of the Ark-Tex Council of Governments (ATCOG) met at 10:00 a.m., Thursday, June 24, 2021, at the Titus County Extension Office, located at 1708 Industrial Road, Mt. Pleasant, Texas, as well as, via teleconference/webinar.

Item 1. L.D. Williamson, Judge, Red River County, called the meeting to order, with a quorum present.

Item 2. Scott Norton, CEO, TexAmericas, gave the invocation.

Item 3. Public Comment.

No members of the public made a comment.

**NETEDD Agenda Items**

Item 4. The first order of business was to review and consider approval of the minutes as submitted for the NETEDD meeting held Thursday, March 25, 2021, via teleconference/webinar.

Motion to approve was made by Scott Lee, Judge, Franklin County, and seconded by Robert Newsom, Judge, Hopkins County. No further discussion. Motion carried. It was approved.

Item 5. Toni Lindsey, Regional Development Manager, presented for consideration and approval of the submission of a grant application to the US Department of Agriculture Rural Utilities Service Revolving Funds for Financing Water and Wastewater Projects.

Motion to approve was made by Becky Wilbanks, Judge, Cass County, and seconded by Brian Lee, Judge, Titus County. No further discussion. Motion carried. It was approved.

***This concluded all NETEDD Agenda Items.***

**ATCOG Board of Directors Agenda Items**

Item 6. Chris Brown, Executive Director, introduced and welcomed the appointed ATCOG Board members:

- Rebecca Crawford, Alderman, City of Deport
- Harold Nash, Sr., Councilman, City of Sulphur Springs
- Gary Spraggins, Councilman, City of Sulphur Springs

Following the Board member introductions, Mr. Brown introduced Ms. Marla Matthews as the new ATCOG Executive Assistant.

Mr. Brown then presented the following consent agenda items:

- Approval of the minutes as submitted for the ATCOG Board of Directors meeting held Thursday, March 25, 2021, via teleconference/webinar.
- Acceptance of the minutes as submitted for the Area Agency on Aging Regional Advisory Council meeting held Thursday, June 3, 2021, via teleconference/webinar.

- Acceptance of the minutes as submitted for the Solid Waste Advisory Committee meeting held Tuesday, June 1, 2021, via teleconference/webinar.
- Acceptance of the submission of a Section 5311 – Rural Area Federal Formula Program renewal application to the Texas Department of Transportation.

Motion to approve was made by John Sellers, Mayor, Sulphur Springs, and seconded by Robert Newsom, Judge, Hopkins County. No further discussion. Motion carried. It was approved.

### **Review and Comment**

Item 7. Paul Prange, Environmental Resources Coordinator, presented for review and comment on applications to Texas Commission on Environmental Quality (TCEQ) to renew permits.

- U.S. Department of the Army, Red River Army Depot
- Petty Water Supply and Sewer Service Corporation, Lamar County, Texas

Motion to approve was made by Scott Lee, Judge, Franklin County, and seconded by Stan Wyatt, NETX Municipal Water District. No further discussion. Motion carried. It was approved.

Item 8. Mary Beth Rudel, Deputy Director, presented for review and comment on a grant application by the Salvation Army Texarkana, Arkansas, to be submitted to the U.S. Department of Housing and Urban Development for an Emergency Solutions Grant for year 2021-2022.

Motion to approve was made by Judge Brian Lee, and seconded by Judge Scott Lee. No further discussion. Motion carried. It was approved.

### **Regular Business**

Item 9. Lisa Reeve, Manager, presented for consideration and approval of the revised Area Agency on Aging (AAA) Policy and Procedures.

Ms. Reeve stated that the policy format was completely changed to comply with State requirements, but that only minor content changes were made.

Motion to approve was made by Judge Scott Lee, and seconded by Mayor John Sellers. No further discussion. Motion carried. It was approved.

Item 10. Mr. Prange presented for consideration and approval of membership changes on the Solid Waste Advisory Committee (SWAC).

- Appointment - Daci Rawson, appointed by the SWAC to serve as representative for Hopkins County, Texas

Motion to approve was made by Judge Newsom and seconded by Mayor Sellers. No further discussion. Motion carried. It was approved.

Item 11. Mae Lewis, Director of Housing Programs, presented for consideration and approval of the ATCOG Housing Choice Voucher Program Annual Plan.

Motion to approve was made by Judge Brian Lee and seconded by Mr. Scott Norton. No further discussion. Motion carried. It was approved.

Item 12. Ms. Lewis presented for review and approval of the submission of an application to Texas Department of Housing and Community Affairs for 2021 Emergency Solutions Grant (ESG) Program funds.

Motion to approve was made by Mr. Wyatt and seconded by Judge Wilbanks. No further discussion. Motion carried. It was approved.

- Item 13. Ms. Rudel presented the review and consideration for approval of revisions to the ATCOG Policies and Procedures Manual.

The following revision to the policy and procedures manual was proposed:

- 9.13 Telecommuting policy will be added in section 9.0 Work Schedules and Time Reporting of the manual.

Motion to approve was made by Judge Newsom and seconded by Ann Rushing, Mayor, City of Clarksville. No further discussion. Motion carried, approved unanimously.

- Item 14. Leslie McBride, Human Resources Director, presented for consideration and approval for the authorization of the Executive Director to sign the Rerate and Benefit Verification Form with Texas Municipal League Health to continue to provide health, dental and life insurance benefits to staff for Plan Year 2021-2022.

ATCOG proposed to make a defined contribution of \$789.82, a 2% Increase, or \$16.78 increase per month, to each employee per month.

Motion to approve was made by Judge Brian Lee and seconded by Mr. Wyatt. No further discussion. Motion carried. It was approved.

- Item 15. Melinda Tickle, Finance Director, presented for consideration and approval of the Investment Policy that establishes procedures to be followed in investing funds for ATCOG.

Motion to approve was made by Judge Wilbanks and seconded by Mr. Wyatt. No further discussion. Motion carried. It was approved.

- Item 16. Ms. Tickle presented for consideration and approval of the Accounting Policy and Procedures Manual that establishes procedures to be followed in the ATCOG Finance Department.

Motion to approve was made by Judge Newsom and seconded by Mayor Sellers. No further discussion. Motion carried. It was approved.

- Item 17. Ms. Tickle, presented for consideration and approval of the proposed Salary Schedule for ATCOG for fiscal year ending September 30, 2022.

Motion to approve was made by Scott Lee, seconded by Scott Norton. No further discussion. Motion carried. It was approved.

- Item 18. Mr. Chris Pruitt, Pattillo, Brown & Hill, L.P., for ATCOG Board review and consider and consideration for approval of ATCOG Financial Statement and Auditor's Report for the twelve-month period ending September 30, 2020.

Ms. Tickle introduced Mr. Pruitt to present the Financial Statement and Auditor's report.

Motion to approve was made by Mayor Sellers and seconded by Mr. Wyatt. No further discussion. Motion carried. It was approved.

- Item 19. Mr. Brown presented for consideration of approval to cancel the July ATCOG Executive Committee Meeting.

Motion to approve was made by Gary Spraggins, Councilman, Sulphur Springs, and seconded by Judge Brian Lee. No further discussion. Motion carried. It was approved.

### **Other Business**

Item 20. Mr. Brown discussed the FY22 Financial Work Plan preparations. He stated that a draft budget will be presented to the ATCOG Executive Committee in August.

Judge Newsom thanked Mr. Brown and the ATCOG Team for a successful 2020.

Mr. Brown introduced Mr. Keith Whitfield, City Manager of Daingerfield.

### **Announcements**

Mr. Brown announced that the next Executive Committee meeting will be held August 26, 2021, at 10:00 a.m., at the Titus County Extension Office, Mt. Pleasant, Texas, as well as via teleconference/webinar.

With no further announcements, Judge Williamson adjourned the meeting.

### **NETEDD BOARD MEMBERS PRESENT**

Ann Rushing, Mayor, City of Clarksville  
Becky Wilbanks, Judge, Cass County  
Brian Lee, Judge, Titus County  
John Sellers, Mayor, City of Sulphur Springs  
L.D. Williamson, Judge, Red River County  
Robert Newsom, Judge, Hopkins County  
Scott Lee, Judge, Franklin County  
Scott Norton, President/CEO, TexAmericas Center  
Stan Wyatt, NETX Municipal Water District

### **EXECUTIVE COMMITTEE MEMBERS PRESENT**

Ann Rushing, Mayor, City of Clarksville  
Becky Wilbanks, Judge, Cass County  
Brian Lee, Judge, Titus County  
John Sellers, Mayor, City of Sulphur Springs  
L.D. Williamson, Judge, Red River County  
Robert Newsom, Judge, Hopkins County  
Scott Lee, Judge Franklin County  
Scott Norton, President/CEO, TexAmericas Center  
Stan Wyatt, NETX Municipal Water District

### **ATCOG BOARD MEMBERS PRESENT**

Gary Spraggins, Councilman, City of Sulphur Springs  
Harold Nash, Councilman, City of Sulphur Springs  
Lowell Walker, Mayor, City of DeKalb  
Rebecca Crawford, Alderman, City of DePort

### **GUESTS PRESENT**

Brandon Mallory, Pittsburg Gazette  
Chris Pruitt, Pattillo, Brown & Hill, L.P.  
Glenda Bassham, Sulphur Springs Hopkins County Economic Development Corporation  
Kim Cox, Paris News  
Reece DeWoody, Senator John Cornyn's Office  
Todd Kleiboer, Sulphur Springs News Telegram

Chris Brown, Executive Director  
Leslie McBride, Human Resources Director  
Lisa Reeve, Area Agency on Aging Director  
Marla Matthews, Executive Assistant  
Mary Beth Rudel, Deputy Director  
Melinda Tickle, Finance Director  
Melody Harmon, Economic Development Manager  
Patricia Haley, Criminal Justice Coordinator  
Paul Prange, Environmental Resources Coordinator  
Rea Allen, 9-1-1 Program Director  
Toni Lindsey, Regional Development Manager  
Whitney Fezell, Homeland Security Coordinator

ATTEST:

**ARK-TEX COUNCIL OF GOVERNMENTS  
HOMELAND SECURITY ADVISORY  
COMMITTEE MEETING**

**August 19, 2021**

**MINUTES**

The meeting of the Ark-Tex Council of Governments Homeland Security Advisory Committee was called to order by **Whitney Fezell** at 10:11 a.m., August 19, 2021, at Hopkins County Fire Department Sulphur Springs Texas.

**Whitney Fezell** provided the minutes from March 18, 2021 meeting, **Andy Endsley** made the motion to approve the minutes, seconded by **Tanner Crutcher** and approved by majority.

The first non-voting item was introduction of new member. **Whitney Fezell** introduced Red River County new EMC **Amanda Willows** to the committee.

**Whitney Fezell** provided the committee with a homeland security update. The committee was informed of the current open projects as well as the due dates. **Whitney Fezell** also informed the committee if and extension is needed it can be request through the OOG. **Whitney Fezell** informed the committee of the new grant manager Miranda Rodrigues. The committee was informed that FY21 projects will be awarded late September-October. **Whitney Fezell** informed the committee of the changes to the priority categories and the need to include cybersecurity projects. **Whitney Fezell** discussed with the committee the OOG Regional Allocation Call and funding recommendations. **Whitney Fezell** informed the committee of the special event data call and the need for all counties to submit special events before September 5<sup>th</sup>. **Whitney Fezell** informed the committee of the status of the RICP update and advised the committee of the final meeting and the importance of the RICP update. **Whitney Fezell** discussed the statewide emergency radio infrastructure grant and how the RICP helps write grants for that funding.

The next non-voting item on the agenda is to discuss communication exercise. **Whitney Fezell** informed the committee that four counties participated in an individual communication exercise. Those exercises were successful and not many issues were noted.

The first voting item is to discuss and approve a regional allocation process. **Whitney Fezell** informed the committee of the current process and discussed possible changes to bonus points. Whitney Fezell also informed the committee of the option to discuss and review they project funding list at the scoring meeting and approve as a whole. The committee disagreed with the idea of discussing the scoring at the meeting and would like the funding recommendations based strictly off of the scoring alone. **Whitney Fezell** discussed with the committee how to address funding multiple projects from one agency. The group discussed only funding one project per agency. **Quincy Blount** made the motion to add 5 bonus points for special events, 5 bonus points for annual communication exercise, increase the not previously funded points to 20 and to fund one project per



agency. Motion also included the funding of one project per agency and allowing the scores to represent the funding results. Motion was seconded by **Tanner Crump** and approved by majority.

Next voting item is to discuss and approve formation of a subcommittee to discuss and review ATCOG regional THIRA/SPR/IP. Discussion was made that no subcommittee was needed and the review should be open to anyone willing to attend. **Randy Tuttle** made the motion to form the subcommittee with anyone who attends the meeting, motion was seconded by **Josh Daily** and approved by majority.

**Whitney Fezell** opened the floor for questions and discussions.

**Nathan Carrol** provided a Covid update and informed the committee of the PPE and equipment status. The committee was informed that testing is not being done by TDEM and that STARR request for PPE are not being processed in Tyler but instead Lufkin and San Antonio.

**Whitney Fezell** opened the floor for announcements.

**Whitney Fezell** announced that the next cog repeater test will be September 7, 2021.

**Whitney Fezell** announced that the next HSAC meeting will be November 15 2021 location TBD.

**Whitney Fezell** announced that the RAC and ATCOG will host a ICS 300-400 in October and November. The committee was also informed of the 300-400 class being hosted in Tyler Texas in September.

Motion to adjourn was made by **Tanner Crump** and seconded by **Randy Tuttle** and approved by majority.

### **ATTENDING:**

Whitney Fezell – ATCOG Homeland Security Coordinator  
Jason Ricketson- EMC- City of Sulphur Springs Police Department  
Nathan Carroll- TDEM  
Randy Tuttle- Randy Tuttle- EMC- City of Paris  
Tanner Crump- Sheriff's Captain- Hopkins County  
Danny Richard-VFD-City of Daingerfield  
Quincy Blount-EMC-Lamar County  
Amanda Willow- EMC-Red River County  
Tracey Litton-Guest  
Tanner Crutcher-EMC- Delta County  
Andy Endsley-  
Josh Daily-Franklin County EMC  
Ann Rushing-Mayor- Clarksville  
Robin Betts-Cass County EMC

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## **BRIEFING PAPER**

### **ITEM 11:**

Review and consider authorizing the Executive Director to proceed with the procurement of a contractor to complete renovations at the Texarkana office building.

### **BACKGROUND:**

The ATCOG office needs additional space for Housing staff offices and client meeting rooms to allow for adequate social distancing as well as GIS equipment and operations. The building itself also needs maintenance upgrades such as new fascia boards, paint, roof, windows, and some drainage improvements. ATCOG procured an architect in August to complete the design of the renovations and see the project through to completion.

### **DISCUSSION:**

Funding for the renovations will be provided through the Commission on State Emergency Communications, the US Department of Housing and Urban Development (HUD), and a loan, which will be secured under the ATCOG Holding Company. Due to time constraints and requirements with the HUD funding, ATCOG is requesting approval to proceed with the procurement of a contractor to complete the renovations with a maximum budget of \$650,000 in advance of the Request for Proposal process and to proceed with up to \$300,000 in renovation expenditures for the Housing hall and lobby that is within HUD guidelines. All federal, state and local regulations will be followed during the procurement process. Project details will be provided to the board as the project progresses.

### **RECOMMENDATION:**

Staff recommend approval.

## RESOLUTION NO. ABD21-24

### RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) AUTHORIZING THE EXECUTIVE DIRECTOR TO PROCEED WITH THE PROCUREMENT OF A CONTRACTOR TO COMPLETE RENOVATIONS AT THE TEXARKANA OFFICE BUILDING.

**WHEREAS**, ATCOG needs additional space for Housing staff offices and client meeting rooms to allow for adequate social distancing as well as 9-1-1 GIS equipment and operations; and

**WHEREAS**, the building itself also needs maintenance upgrades such as new fascia boards, paint, roof, windows, and some drainage improvements; and

**WHEREAS**, ATCOG procured an architect in August to complete the design of the renovations and see the project through to completion; and

**WHEREAS**, funding for the renovations will be provided through the Commission on State Emergency Communications, the US Department of Housing and Urban Development (HUD), and a loan, which will be secured under the ATCOG Holding Company; and

**WHEREAS**, due to time constraints and requirements with the HUD funding, approval is needed to proceed with the procurement of a contractor to complete the renovations with a maximum budget of \$650,000 in advance of the Request for Proposal process; and

**WHEREAS**, all federal, state and local regulations will be followed during the procurement process.

### **NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

- Section 1 - That the Board of Directors authorizes the Executive Director to proceed with the procurement of a contractor to complete renovations at the Texarkana office building.
- Section 2 - That the Executive Director, Chris Brown, has full authority to act on behalf of the ATCOG Board in all matters pertaining to procurement of a contractor.
- Section 3 - That the Executive Director has full authority to proceed with expenditures for renovations of the Housing hall and lobby up to \$300,000 in total cost of the project that meets HUD guidelines.
- Section 4 - That this resolution is approved by majority vote in accordance with the bylaws of Ark-Tex Council of Governments and applicable law, and shall be in effect immediately upon its adoption.

**REVIEWED AND APPROVED THIS 30TH DAY OF SEPTEMBER, 2021.**

**ATTEST:**

---

**L. D. Williamson, President**  
**Board of Directors**  
**Ark-Tex Council of Governments**

## **BRIEFING PAPER**

### **ITEM 12:**

Review and consider approval of revisions to the Ark-Tex Council of Governments (ATCOG) Policies and Procedures Manual.

### **BACKGROUND**

The Board of Directors is required to approve all revisions to the Policies and Procedures Manual and Procurement Policy. If the Board of Directors approves the budget, which includes the increase in employer match contribution at 150% to the Texas County & District Retirement System (TCDRS) for the benefit of all regular full-time employees and regular part-time employees, then the following policy revision is required.

### **DISCUSSION**

The following revisions to the **policy and procedures manual** is being proposed:

#### **7.04 RETIREMENT PLAN**

1. ATCOG RETIREMENT PLAN. Effective January 1, 2017, ATCOG participates in the Texas County & District Retirement System (TCDRS) for the benefit of all regular full-time employees and regular part-time employees. Employees contribute 4% of their salary into their retirement fund each payday on a pre-taxed basis, and ATCOG matches employee contributions at ~~100%~~ 150%, or an additional ~~4%~~ 6% each payday. Employees become 100% vested after 8 years of employment and are eligible for retirement benefits at age 60, if vested. In addition, the Retirement Plan Trustees Committee and the Board of Directors have approved adoption of the rule of 75 for retirement eligibility (total of your age plus years of service) and/or 30 years of service regardless of age. Employee retirement accounts will earn 7% compounded interest yearly.

If approved by the Board, the policy revisions will be distributed to all employees and added to our Policies and Procedures Manual.

### **RECOMMENDATION**

Staff recommends approval.

## **BRIEFING PAPER**

### **ITEM 13:**

Review and consider approval of the utilization of ATCOG's indirect cost rate for ATCOG employees working on behalf of the Texarkana Urban Transit District.

### **BACKGROUND:**

TXDOT requires ATCOG to provide additional documentation regarding the ability of the Texarkana Urban Transit District (TUTD) to utilize the indirect rate approved for ATCOG.

### **DISCUSSION:**

In previous years, ATCOG received specific guidance from Public Transportation Division (PTD) Compliance:

"TUTD is "piggybacking" off ATCOG's rate because ATCOG has signed a contract with TUTD to provide service; therefore, ATCOG's board should give TUTD permission to charge an indirect cost rate. ATCOG gets their indirect cost rate from their cognizant agency so TUTD cannot charge more than ATCOG is allowed. ATCOG needs to provide TUTD a Certificate of Indirect Cost approval letter that states that the board has given TUTD authority to use ##% indirect cost for the period of \_\_\_\_ to \_\_\_\_\_ and must be signed by the President."

ATCOG has developed an Indirect Cost Proposal (ICP) following 2 CRF 200, Appendix VII D.1.b and certified to the validity of the Indirect Cost Proposal/Cost Allocation Plan in accordance with 2 C.F.R. Part 200. The indirect cost rate for Oct. 1, 2021 – Sept. 30, 2022, is 19.23%.

### **RECOMMENDATION:**

Staff recommend approval.

## CERTIFICATE OF INDIRECT COSTS

This is to certify that I have reviewed the indirect cost rate proposal prepared and maintained herewith and to the best of my knowledge and belief:


(1) All costs included in this proposal dated 10/1/2021 **[identify date indirect cost rate proposal was finalized]** to establish indirect costs rate(s) for 10/1/21-9/30/22 **[identify start/end dates for the fiscal year covered by the indirect cost rate]** are allowable in accordance with the requirements of the Federal award(s) to which they apply and OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (codified at 2 C.F.R. Part 200) Unallowable costs have been adjusted for in allocating costs as indicated in the cost allocation plan.

(2) All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the agreements to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently and the Federal Government will be notified of any accounting changes that would affect the predetermined rate.

(3) The indirect cost rate calculated within the proposal is 19.23% **[identify rate(s)]**, which was calculated using a direct cost base type of salary & benefits **[identify type of direct cost base – Salary & Fringe, MTDC, etc.]**. The calculations were based on actual costs from fiscal year 2020 to obtain a federal indirect cost billing rate for fiscal year 2022.

(4) All documentation supporting the indirect cost rate identified above must be retained by the Recipient. This rate should be reviewed and validated as part of the Recipient's annual financial audit.

Subject to the provisions of the Program Fraud Civil Remedies Act of 1986, (31 USC 3801 et seq.), the False Claims Act (18 USC 287 and 31 USC 3729); and the False Statement Act (18 USC 1001), I declare to the best of my knowledge that the foregoing is true and correct.

Organization Name: Ark-Tex Council of Governments  
Signature:   
Name of Authorized Official: Chris Brown  
Title: Executive Director  
Email Address and Phone: cbrown@atcog.org 903-832-8636  
Date of Execution: 9/30/2021

**RESOLUTION NO. ABD21-18**

**RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) BOARD OF DIRECTORS APPROVING THE UTILIZATION OF ATCOG'S INDIRECT COST RATE FOR ATCOG EMPLOYEES WHILE WORKING ON BEHALF OF THE TEXARKANA URBAN TRANSIT DISTRICT (TUTD).**

**WHEREAS**, ATCOG is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391 of the Texas Local Government Code; and

**WHEREAS**, TUTD is a political subdivision district under the laws of the State of Texas as defined by Chapter 458 of the Texas Transportation Code and Chapter 791 of the Texas Government Code; and

**WHEREAS**, TUTD has contracted with ATCOG through an Interlocal Agreement (Contract) for Transportation Management Services; and

**WHEREAS**, ATCOG has developed an Indirect Cost Proposal (ICP) following 2 CRF 200, Appendix VII D.1.b and certified to the validity of the Indirect Cost Proposal/Cost Allocation Plan in accordance with 2 C.F.R. Part 200.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

- Section 1 - That TUTD has the authority to "piggyback" with ATCOG and charge the appropriate Indirect Cost Rate for ATCOG staff billing direct hours to TUTD for services outlined in the Contract.
- Section 2 - That the current Indirect Cost Rate for Oct. 1, 2021 – Sept. 30, 2022, is 19.23%.
- Section 3 - That TUTD and their Federal oversight agency, the Federal Transit Administration (FTA), have been provided the ATCOG ICP.
- Section 4 - That this Resolution shall be in effect immediately upon its execution and apply to TUTD 2022 Fiscal Year.

**REVIEWED AND APPROVED THIS 30TH DAY OF SEPTEMBER, 2021.**

---

**L. D. Williamson, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

---

## **BRIEFING PAPER**

### **ITEM 14:**

Review and consider annual renewal of the ATCOG Ethics Policy Manual and review Transportation Program funding requirements pertaining to integrity and ethical behavior as mandated by the Texas Transportation Commission and Texas Department of Transportation (TXDOT).

### **BACKGROUND:**

On January 29, 2009, the Texas Transportation Commission adopted administrative rules that require outside entities to implement internal ethics and compliance programs. In order to remain eligible to receive the funding ATCOG is required to renew the manual annually. In addition, another rule adopted on March 25, 2010, requires public transportation entities to implement and enforce a compliance program meeting the minimum rules in order to be eligible for state and federal funding awarded after January 1, 2011, by the Texas Transportation Commission.

### **DISCUSSION:**

The rules adopted by the Texas Transportation Commission established a framework for the internal ethics and compliance program of any entity that receives financial assistance from the department. The compliance program must satisfy certain requirements, with the goal of discouraging fraud and illegal activity. TXDOT also instituted an internal ethics and compliance program designed to further encourage ethical behavior within the department, as well as compliance with the law and departmental policies.

As a result of these rules, the Ark-Tex Council of Governments (ATCOG) compiled an "Ethics Policy Manual" consisting of sections covering all requirements, to include Record Retention, Fraud, Equal Opportunity Employment, Sexual Harassment and Sexual Misconduct, Conflicts of Interest, Personal Use of Property, and Gifts and Honoraria. The manual also includes a copy of the Code of Ethics which mirrors that established by the American Society for Public Administration and incorporates the general principles of ethical conduct set forth in Executive Order 12674. This Ethics Policy Manual was approved by the Board of Directors on December 16, 2010, making our agency eligible to apply for and receive state and federal funding.

ATCOG enforces a compliance program by reviewing and providing all employees a copy of the "Ethics Policy Manual" during new hire orientation; by conducting yearly Ethics Manual Training that is mandatory for all employees; by reminding Board members of the standard of ethical behavior that our employees and board members must meet; by internal controls used to monitor activities; and by conducting investigations of any alleged misconduct. A copy of the Ethics Policy Manual is also available on the shared administration computer folder for constant access by employees.

### **RECOMMENDATION:**

Staff recommends approval.



**RESOLUTION NO. ABD21-19**

**RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS FOR RENEWAL OF ETHICS POLICY MANUAL FOR ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) DATED DECEMBER 16, 2010, AS REVISED MARCH 27, 2014.**

**WHEREAS**, the Ark-Tex Council of Governments is a Regional Planning Commission established pursuant to the authority granted by Article 1011m, Revised Civil Statutes of Texas, and Arkansas Interlocal Cooperation Act 430; and

**WHEREAS**, the Ark-Tex Council of Governments' Board of Directors approved a new Ethics Policy Manual in December 2010, as required by the Texas Transportation Commission in order to be eligible for state and federal funding awarded after January 1, 2011; and

**WHEREAS**, annual renewal of the Ethics Policy Manual is required in order to remain eligible to receive funding, such renewal being required by the Texas Department of Transportation the first month of the grant period; and

**WHEREAS**, the new Transportation Program grant period begins October 1, 2021, making annual renewal necessary at the September Full Board Meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS:**

- Section 1 - That the Ark-Tex Council of Governments approves renewal of the Ethics Policy Manual as adopted December 16, 2010, and revised March 27, 2014.
- Section 2 - That the Ethics Policy Manual meets or exceeds the minimum requirements for a compliance program as set forth by the Texas Transportation Commission, thus making ATCOG eligible to receive state and federal funding.
- Section 3 - That Ark-Tex Council of Governments' staff have been trained on and adhere to all ethics policies set forth in the Ethics Policy Manual, such training to be held annually.
- Section 4 - That this Resolution shall be in effect immediately upon its execution.

**REVIEWED AND APPROVED THIS 30th DAY OF SEPTEMBER 2021.**

**L. D. Williamson, President**  
**Board of Directors**  
**Ark-Tex Council of Governments**

**ATTEST:**

---

## **BRIEFING PAPER**

### **ITEM 15:**

Review and consider approval of updates to the Equal Employment Opportunity Plan as required by the Texas Department of Transportation.

### **BACKGROUND:**

ATCOG Transportation Department has over 50 employees and is required to have an Equal Employment Opportunity Plan in place per the Texas Department of Transportation. ATCOG is required to make updates to this plan as needed.

### **DISCUSSION:**

The purpose of the Equal Employment Opportunity Plan is to affirm that ATCOG will provide a work environment that is free from discrimination, including harassment, based on race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression.

The plan provides guidelines for employment practices, the complaint process and data representing the ATCOG workforce. This data includes employment practices such as separations, disciplinary actions, promotions, and hiring.

The only updates made in the plan are to update the employment practices data and to update the EEO Officer title.

By approving the updates to the Equal Employment Opportunity Plan, ATCOG hereby affirms to continue to commit to equal employment for all persons, regardless of race, color, creed, national origin, genetic information, sex or age.

The Texas Department of Transportation has reviewed and approves the updates made in the plan.

### **RECOMMENDATION:**

Staff recommends approval.

**RESOLUTION NO. ABD21-20**

**RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS FOR APPROVAL OF THE UPDATES TO THE EQUAL EMPLOYMENT OPPORTUNITY PLAN FOR ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) DATED JUNE 29, 2017.**

**WHEREAS**, the Ark-Tex Council of Governments is a Regional Planning Commission established pursuant to the authority granted by Article 1011m, Revised Civil Statutes of Texas, and Arkansas Interlocal Cooperation Act 430; and

**WHEREAS**, the Texas Department of Transportation requires ATCOG to update the Equal Employment Opportunity Plan in order to continue to receive funding (as defined in circular FTA C4704.1A); and

**WHEREAS**, the Equal Employment Opportunity Plan is required for ATCOG because our Transportation Program exceeds 50 employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS:**

- Section 1 - That the Ark-Tex Council of Governments approves updates to the Equal Employment Opportunity Plan dated June 29, 2017.
- Section 2 - That the Equal Employment Opportunity Plan meets or exceeds the minimum requirements provided by the Texas Department of Transportation.
- Section 3 - That all ATCOG employees will be informed of the Equal Employment Opportunity Plan and will be given access to the plan on the web site and in designated locations throughout the office buildings.
- Section 3 - That this Resolution shall be in effect immediately upon its execution.

**REVIEWED AND APPROVED THIS 30th DAY OF SEPTEMBER 2021.**

---

**L. D. Williamson, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

---

## **BRIEFING PAPER**

### **ITEM 16:**

Review and consider adoption of the ATCOG Flexible Benefits Cafeteria Plan for fiscal year 2022.

### **BACKGROUND:**

Section 125 of the Internal Revenue Code of 1986 allows employers to adopt cafeteria plans to offer employees certain benefits on a pre-tax basis. For more than 15 years, ATCOG has chosen to adopt the ATCOG Flexible Benefits Cafeteria Plan to continue to offer certain benefits on a pre-tax basis to eligible employees.

### **DISCUSSION:**

Upon adoption, the ATCOG Flexible Benefits Cafeteria Plan will allow ATCOG to offer additional benefits to employees on a pre-tax basis such as cancer, critical illness, and accident insurances. ATCOG remains in compliance with Section 125 of the Internal Revenue Code of 1986 by updating the written plan annually and distributing it to all eligible employees, offering the plan to all eligible employees, and completing nondiscrimination testing on the plan to ensure only those that are eligible are receiving the pre-tax benefit.

### **RECOMMENDATION:**

Staff recommends approval.

## **RESOLUTION NO. ABD21-21**

### **RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) FOR REVIEW AND ADOPTION OF THE ATCOG FLEXIBLE BENEFITS PLAN (FBP) CAFETERIA PLAN FOR FY 2021.**

**WHEREAS**, the Ark-Tex Council of Governments (ATCOG) is a Regional Planning Commission established pursuant to the authority granted by Article 1011m, Revised Civil Statutes of Texas, and Arkansas Interlocal Cooperation Act 430; and

**WHEREAS**, ATCOG wishes to adopt the form of Cafeteria Plan, as authorized under Section 125 of the Internal Revenue Code of 1986, such Plan presented to the Board of Directors this date; and

**WHEREAS**, the Plan Year shall be for a period beginning October 1, 2021, and ending September 30, 2022; and

**WHEREAS**, ATCOG, the Employer, shall submit to the Plan amounts collected from participating employees sufficient to meet their obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document, and shall notify the Plan Administrator to which periods said contributions shall be applied; and

**WHEREAS**, ATCOG, the Employer, shall notify employees immediately of the adoption of the Cafeteria Plan by making available for review to each employee the Summary Plan Description, such form presented and approved at this meeting.

### **NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS BOARD OF DIRECTORS:**

- Section 1 - That the Board of Directors approves the Ark-Tex Council of Governments FBP Cafeteria Plan.
- Section 2 - That Exhibits A and B attached hereto are true copies of the Plan Document and Summary Plan Description for Ark-Tex Council of Governments FBP's Flexible Benefits Plan.
- Section 3 - That this Plan shall be made available for review by all employees of Ark-Tex Council of Governments upon its approval.
- Section 3 - That this Resolution shall be in effect immediately upon its execution.

**REVIEWED AND APPROVED THIS 30th DAY OF SEPTEMBER 2021.**

---

**L. D. Williamson, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

---

## **BRIEFING PAPER**

### **ITEM 17:**

Review and consider approval of continual use of allocation formula for FY2022 as the method for allocating State Homeland Security Program (SHSP) funds to jurisdictions.

### **BACKGROUND:**

The ATCOG HSAC, with Board approval, has allocated funds to jurisdictions in many different ways since the inception of the SHSP in 2003 including the use of scoresheets and discussions. The process of deciding allocations has been subjective rather than objective. During the last three years, ATCOG has been utilizing a risk-based formula to allocate funds to eligible jurisdictions. This formula was designed to provide all eligible applicants with funds, but did not fulfill the capability gaps of smaller jurisdictions in our region. The state requires HSAC to prioritize applications using a risk-informed methodology process. The proposed scoring process will score projects in several areas including risk and prioritization. Adopting ATCOG's scoring process would reflect the regions priorities and be in line with the State's principles.

### **DISCUSSION:**

The ATCOG HSAC met on August 19, 2021, and discussed and approved a scoring process as the method for allocating FY2021 Homeland Security Grant Program funds to eligible jurisdictions.

The scoring process will score projects in categories of risk, reasonableness, and priority level. The scoring process will allot additional points to applicants applying for regional projects, applicants whom participated in development of the THIRA/SPR/IP, the Annual Communication Exercise, the Special Events data call, as well as for applicants who did not receive funding the previous year grant year. Scores will be calculated and projects will be prioritized/ranked by scores and recommended for funding in that rank order. Only one project per agency will be funded.

### **RECOMMENDATION:**

Staff recommend approval.

# Ark-Tex Council of Governments Homeland Security Allocation Process

The ATCOG Homeland Security Advisory Committee (HSAC) consists of emergency management coordinators, judges, mayors, fire chiefs, EMS directors, volunteer fire fighters, police chiefs, and representatives from the Texas Forest Service and Texas Department of Public Safety. Each of ATCOG's nine counties is represented as well as the two major cities: The City of Texarkana and the City of Paris. The HSAC was created by Ark-Tex Council of Governments to advise the Board of Directors in all matters related to regional homeland security and to recommend to the Board of Directors plans and programs which improve the emergency response and recovery throughout the region which support and maintain the State of Texas Goals for Homeland Security in order to maximize effective and efficient use of resources.

Each year, ATCOG receives State Homeland Security Program funding to help prevent, mitigate, respond and recover from terrorism activities. ATCOG HSAC uses a scoring process to prioritize HSGD application.

The scoring process will score projects in categories of risk, reasonableness, and priority level. The scoring process will allot additional points to applicants applying for regional projects, applicants who participated in Development of the THIRA/SPR/IP, and applicants who did not receive funding the previous year grant year. Scores will be calculated, and projects will be prioritized/ranked by scores and recommended for funding in that rank order.

Up to 100pts	Up to 100pts	Up to 100pts	Bonus Points Awarded				
Risk	Reasonableness	priority level	Regional Project +5	Participated in Annual communication exercise +5	Participated in Special Events Data collection +5	participated in development of THIRA/SPR/IP +5	Did not received HSGD funding prior grant year +20

## Grant Application Workshop

All grant applicants must attend the Grant Application Workshop in order to be eligible for grant funding.

The grant application workshop will include the following information:

- a. Who can apply and what activities are eligible under each funding opportunity

- b. Requirements for project problem statements with supporting data, goal statement, project activity explanations, current and target output and outcome measures, and budget categories and line items
- c. The project period for each funding opportunity
- d. Applicable rules, regulations, and certifications required
- e. Any prohibitions
- f. Civil rights rules related to applicant employees and projects or activities
- g. State strategies or funding preferences
- h. Potential jurisdictional funding allocations based on risk-based funding allocation formula
- i. Local policies and procedures that affect the COG's prioritization process
- j. Due dates for applicants to submit and certify applications

### **ATCOG Staff Review and HSAC Recommendation for Funding**

Once all applications are received, the applications are reviewed by ATCOG staff to ensure completion and that all requested items are allowable. The HSAC reviews the projects to ensure all projects are in line with regional priorities (if applicable) and have met the regional eligibility requirement of 75% participation in the monthly ATCOG Communication Repeater Tests.

Applications are then scored via ballot in categories of risk, reasonableness, and priority level. The scoring process will allot additional points to applicants applying for regional projects, applicants whom participated in the Special Events data collection, Regional Communication Exercise, Development of the THIRA/SPR/IP, regional project, and applicants who did not receive funding the previous year grant year. Each HSAC member has plans and reports in possession and may bring these documents to the meeting for reference, but are not required. The committee's involvement provides an overarching knowledge of each jurisdiction within the region, which guides and aids the HSAC during the scoring of projects. Scores will be calculated and projects will be prioritized/ranked by scores and recommended for funding in that rank order.

ATCOG's project will be ranked as number (1) in the prioritization process and shall receive full funding. Any other special projects approved by the HSAC committee will be ranked as number (2) and so forth. LETPA projects will have priority funding until the 25% LEPTA threshold is met. Once met, the remaining LEPTA projects will resume ranking with the regular SHSP projects. In the event of a tie between two or more projects, the lowest rankings on each project involved will be dropped until the tie is broken. Only one project per agency will be funded. Any representative from the agency applying is prohibited from including his or her agency's project in the prioritization due to the conflict of interest policy in ATCOG's HSAC bylaws. All projects must be scalable. If the amounts of LETPA projects submitted do not meet the 25% LETPA requirement, ATCOG HSAC can increase the LETPA projects' amounts to meet the requirement.

### **Final Project Allocation**

Following the committee meeting, the project allocation recommendation and prioritization results will be presented to the ATCOG Board of Directors for approval. Once ATCOG receives official notification of State approved projects, all applicants will be notified via email within three (3) business days.



## RESOLUTION NO. ABD21-22

### RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS TO ADOPT THE USE OF A SCORING PROCESS FOR ALLOCATING FY2022 HOMELAND SECURITY GRANT PROGRAM FUNDS TO ELIGIBLE JURISDICTIONS.

**WHEREAS**, the ATCOG Board of Directors and Homeland Security Advisory Committee finds it to be in best interest to adopt a scoring process as the method for allocating FY2022 Homeland Security Grant Program funds to eligible jurisdictions;

**WHEREAS**, the scoring process will score projects in categories of risk, reasonableness, and priority level. The scoring process will allot additional points to:

- applicants applying for regional projects,
- applicant who participated in the development of the THIRA/SPR/IP,
- applicants who participated in the Special Events data call,
- applicants who participated in the Annual Communication Exercise
- applicants who did not receive funding the previous year grant year

Scores will be calculated and projects will be ranked by score from highest to lowest and recommended for funding in that rank order. Only one project per agency shall be funded.

### NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS THROUGH VOTE AND APPROVAL BY THE ATCOG BOARD OF DIRECTORS:

Section 1 - That the ATCOG Board of Directors has adopted a scoring method for allocating funds FY2022 Homeland Security Grant Program funds to jurisdictions.

Section 2 - That all other previous allocation processes adopted by the ATCOG Board of Directors are now null and void.

**REVIEWED THIS 30TH DAY of September, 2021.**

---

**L.D. Williamson, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

---

## **BRIEFING PAPER**

### **ITEM 18:**

Review and consider approval of the new resolution to include the updated grant ending date and the statement required by the Office of Governor, Criminal Justice Division.

### **BACKGROUND:**

ATCOG previously submitted an application to the Office of the Governor, Criminal Justice Division, as approved by the Executive Committee on 4/29/21, to receive Coronavirus Emergency Supplemental Funds (CESF). These funds are to be used for the purchase of PPE supplies to those local governments that responded with their list of needs.

### **DISCUSSION:**

The CESF grant has recently been awarded in the amount of \$27,787.98. However, the Office of the Governor (OOG) has extended the end date of the grant from October 31, 2021 to January 31, 2022, and a statement required by the OOG should also be included in the resolution. The statement reads, "WHEREAS, the Board of Directors agrees that in the event of loss or misuse of the Office of the Governor funds, the Board of Directors assures that the funds will be returned to the Office of the Governor in full." Therefore, a new resolution is necessary to include these key points.

### **RECOMMENDATION:**

Staff recommend approval.

## RESOLUTION ABD21-23

**RESOLUTION OF THE ARK-TEX COUNCIL OF GOVERNMENTS WITH REVIEW AND COMMENT ON AN APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR A GRANT TO PROVIDE SUPPLIES AND PPE TO PREVENT, PREPARE FOR, AND RESPOND TO THE CORONAVIRUS IN BOWIE, CASS, DELTA, FRANKLIN, HOPKINS, LAMAR, MORRIS, RED RIVER, AND TITUS COUNTIES IN TEXAS. THIS RESOLUTION IS EFFECTIVE FOR THE PROJECT'S GRANT PERIOD OF FEBRUARY 1, 2020 THROUGH JANUARY 31, 2022.**

**WHEREAS**, the rules and regulations of the Office of the Governor, Criminal Justice Division, require that this application be reviewed and approved by the Ark-Tex Council of Governments Board of Directors.

**WHEREAS**, the Ark-Tex Council of Governments finds it in the best interest of the citizens of the Region that the Coronavirus Emergency Supplemental Funds (CESF) Project be operated for the project's grant period of February 1, 2020 through January 31, 2022.

**WHEREAS**, the Board of Directors agrees that in the event of loss or misuse of the Office of the Governor funds, the Board of Directors assures that the funds will be returned to the Office of the Governor in full.

**WHEREAS**, the Board of Directors designates the ATCOG Executive Director as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

### **NOW, THEREFORE, BE IT RESOLVED BY THE ARK-TEX COUNCIL OF GOVERNMENTS:**

- Section 1 - That the Board of Directors approved the Executive Director as the Authorized Official, and this grant project has been approved for submission to the Office of the Governor.
- Section 2 - That the Executive Director, Chris Brown, has full authority to act on behalf of the ATCOG Board in all matters pertaining to the RCJAC nominations.
- Section 3 - That this resolution is approved by majority vote in accordance with the bylaws of Ark-Tex Council of Governments and applicable law, and shall be in effect immediately upon its adoption.

**REVIEWED AND APPROVED THIS 30TH DAY OF SEPTEMBER, 2021.**

---

**L. D. Williamson, President  
Board of Directors  
Ark-Tex Council of Governments**

**ATTEST:**

---

## **BRIEFING PAPER**

### **ITEM 19:**

Review and consider approval of the appointment of two new Regional Criminal Justice Advisory Committee (RCJAC) members to serve through December 31, 2021.

### **BACKGROUND:**

Maintaining the RCJAC membership is required by the Criminal Justice Division of the Governor's Office to conduct the necessary business related to service deliverables in our OOG/ATCOG Interlocal Agreement.

### **DISCUSSION:**

A vacancy exists on the RCJAC for Bowie County in the Regional Representative section (nominated by ATCOG CJ staff). ATCOG CJ staff has nominated Lieutenant Mark Shermer to represent Bowie County in the category of "Drug Abuse Prevention". Lt. Shermer began his law enforcement career at TTPD in 2008, where he served as Patrol Officer, Field Training Officer, as well as in DWI enforcement and on the Problem Oriented Policing Team. In 2018, Lt. Shermer began working for the Bowie County Sheriff's Office and was just recently promoted to Lieutenant as the BCSO Training Coordinator.

A vacancy also exists on the RCJAC for Lamar County in the County Membership section. Judge Bell has nominated Chief Richard Salter to represent Lamar County in the category of "Law Enforcement". Chief Salter was recently appointed Chief of Police for the City of Paris. Early in his career he served as Patrol Officer and Narcotic Detective until 1991, at which time he joined the U.S. Drug Enforcement Administration (DEA). During his 30-year DEA career, he served tours of duty in Houston, San Antonio, Little Rock, Washington D.C., Oklahoma City and Omaha, Nebraska and was the Special Agent, in charge of DEA's Omaha Division which consisted of 11 DEA offices in Iowa, Minnesota, Nebraska, North Dakota, South Dakota as well as counties along the border of Illinois and Wisconsin.

### **RECOMMENDATION:**

Staff recommend approval.

## **BRIEFING PAPER**

### **ITEM 20:**

Review and consider approval to combine the November Executive Committee and December Board of Director meetings into one Board of Directors meeting to be held Thursday, December 9, 2021.

### **BACKGROUND:**

According to ATCOG Bylaws, Article V, Section H, the Executive Committee shall meet monthly, and ATCOG Board Meetings have been set as the last Thursday of each month. Therefore, schedule conflicts arise during the holiday season. This year, the dates fall on Thanksgiving Day in November and the day before New Year's Eve in December.

### **DISCUSSION:**

ATCOG staff are proposing that the November and December meetings be combined into one meeting and moved to an earlier date in December. The proposed meeting would be a Board of Directors meeting to be held on Thursday, December 9, 2021.

Board approval is required to change and/or cancel a meeting date.

### **RECOMMENDATION:**

Staff recommend approval.