



City of Corpus Christi Title VI Plan



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I. Introduction and Objectives

The City of Corpus Christi's Public Works/Engineering, Parks and Aviation are recipients of federal assistance and are required to comply with Title VI of the Civil Rights Act of 1964. The objectives of the Title VI Plan are to:

- ensure that the City complies with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964
- ensure all persons receive the benefits of the activities of the City
- ensure limited English proficient (LEP) individuals are provided meaningful access to City information
- avoid, minimize or mitigate disproportionate adverse environmental effects, including social and economic effects, on minority communities, and low-income populations as a result of the Transportation programs, services and activities; and
- establish clear procedures for filing, investigating, and successfully resolving complaints received under this plan on a timely basis and at the lowest level possible.

II. Nondiscrimination Statement

The City of Corpus Christi, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, affirms no person shall on the grounds of race, color, national origin, gender, age, disability or religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 200d-3) be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the City regardless of whether these projects and activities are federally funded or not.

III. Organization/Staff Responsibilities

The City's organizational chart (**Attachment "D"**) shows the relative position of the Title VI Coordinator within the City's structure. The Human Relations Administration, serving under the City Manager and City Attorney, shall serve as the Title VI Coordinator for the City of Corpus Christi.

The Title VI Coordinator works to ensure the requirements of Title VI are enforced by:

- being the point of contact for Title VI implementation and monitoring of programs and activities receiving federal financial assistance
- reviewing documents, as needed, for compliance with Title VI



- developing Title VI information for dissemination to the public and, where appropriate, in languages other than English
- conducting investigations of Title VI complaints of discrimination
- ensuring that City Departments receive required information to be included in bid documents, contracts and contractor's sub-contracts

IV. Internal Complaint Procedures

The City is an equal opportunity employer. The City does not allow discrimination against any person in job recruitment, examination, selection, appointment, placement, training, promotion, discipline, or any other aspect of employment on the basis of race, color, national origin, gender, disability, age, or in any other manner prohibited by law.

The City does not retaliate or discriminate against any employee for opposing an unlawful or discriminatory employment practice, reporting an unlawful employment practice, or participating in an investigation of an alleged discriminatory practice.

Any employee, or applicant whose Title VI rights are violated may file a discrimination and/or harassment complaint with the City. The City takes all complaints seriously. Acts of discrimination and harassment by any employee are prohibited. When appropriate, employees and supervisors should make every effort to resolve problems or issues informally through discussion and consultation. If these efforts do not resolve the problems or issues, the employee may initiate proceedings as specified in this Title VI Nondiscrimination Plan and pursuant to the City's codes, regulations and policies pertaining to discrimination complaints.

Retaliation against an employee for attempting to resolve a dispute, filing a complaint or for participating in any way in an investigation of a complaint will not be tolerated. Employees shall report such reprisal and/or retaliation to the Department Director and/or Human Resources Department. Supervisors will take appropriate corrective action in consultation with the Department Director and Human Resources Department to address any violations of law or policy that are discovered in the course of an investigation.

The procedures for filing a discrimination complaint are set forth in the City's Charter, Code of Ordinances and Personnel Policies. A copy of Chapter 24, Human Relations, of the City's Code of Ordinances is attached (**Attachment "G"**.)

V. External Complaint Procedures

Any person who believes they have been discriminated against, on the grounds of race, color, national origin, gender, gender identity, age, disability or religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 200d-3) may file a complaint with the Human Relations Department of the City of Corpus Christi. A complaint may also be filed by a representative on behalf of such a person.



Complaints submitted shall be in writing, on the City's complaint form (**Attachment "E"**) and must be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. The City's Title VI Coordinator shall keep a log of all complaints filed. (See, **Attachment "F"**.)

The complainant should mail or personally deliver the completed form to City of Corpus Christi, Attn: Human Relations, 1201 Leopard Street, 1st Floor, Corpus Christi, Texas 78401

Upon receipt of the complaint, the City will acknowledge receipt of the complaint to the complainant. The Human Relations Department shall review the complaint, policies and procedures associated with the complaint, circumstances under which the alleged discrimination occurred and any other pertinent factors as set forth in Chapter 24 of the City Code. The Human Relations Department will inform complainant of the process for investigating the complaint and will provide complainant with written notice of the outcome of the investigation in accordance with Chapter 24 of the City Code.

If the City *is named* as the discriminatory party, the City shall forward the complaint to the Texas Department of Transportation, Office of Civil Rights, or the appropriate division within the U.S. Department of Transportation, depending upon State and Federal requirements.

Complaints may also be filed directly with the Texas Department of Transportation by completing their online Complaint Form and mailing it to Texas Department of Transportation, Office of Civil Rights, 125 East 11th Street, Austin, Texas 78701 or by faxing it to 512-416-4751.

Complaints may also be filed with the Federal Transit Administration by completing their online complaint form and mailing it to Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

The information for filing a complaint can also be found on the City's website, <http://www.cctexas.com>.

VI. List of Complaints, Title VI Investigations, and Lawsuits in Last Three (3) Years

The Title VI Coordinator for the City shall maintain a complaint log, which documents all activity related to complaints filed with the City for violations of Title VI of the Civil Rights Act of 1964. The complaint log (**Attachment "F"**) shall include the following information:

- Date complaint filed
- Recipient of complaint
- Complainant identification – name, race, color, gender and/or national origin
- Nature of complaint
- City Departments named in complaint
- Date investigation completed
- Result of investigation
- Date complainant notified of the result of the investigation



The City has not conducted any Title VI investigations, nor have any Title VI complaints been filed with the City within the last three years. The City has not been sued for a Title VI violation in the last three years.

The City's legal team keeps records of any lawsuits regarding Title VI of the Civil Rights Act of 1964.

VII. Limited English Proficiency

As a recipient of federal funds from the Department of Transportation the City is subject to legal requirements to provide language assistance to those that have Limited English Proficiency (LEP). Most individuals living in the United States read, write, speak, and understand English; however, there are many individuals for whom English is not their primary language. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be LEP. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. Recipients of federal financial assistance, such as the City, have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.

Title VI of the Civil Rights Act of 1963 (Title VI)

Title VI and its implementing regulations provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, national origin, sex, age or disability, under any program or activity that receives federal financial assistance. Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes discrimination on the basis of national origin. Title VI and its implementing regulations require the City take responsible steps to ensure meaningful access to the benefits, services, information and activities for individuals who have LEP. In certain circumstances, failure to ensure LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title VI regulations against national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (EO 13166)

EO 13166 was signed by President Clinton on August 16, 2000 and directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The EO states recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.



Department of Transportation (DOT) Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons (DOT LEP Guidance)

In 2005, the DOT published updated guidance for its recipients. This document provides suggestions to best comply with the statutory and regulatory obligations to provide meaningful access to the benefits, services and information, and other important portions of their programs and activities for individuals who are LEP. A defining component of this guidance is a recommendation to use a four-factor analysis framework to conduct a LEP needs assessment.

Four Factor Analysis:

- 1) Number and proportion of LEP persons in eligible service population
- 2) Frequency with LEP individuals come in contact with the program.
- 3) Importance of the service provided by the program.
- 4) Resources available to the agency.

1) Number of Proportion of LEP persons in eligible service population.

According to the US Census Bureau (2010-2016 statistics) the City of Corpus Christi has a population of approximately 320,050 persons. Of those residents, approximately 61.9% speak English only and 8.8% speak "English less than very well" resulting in approximately 28,164 people needing limited English assistance citywide. See, 2010-2016 Census Data attached here to (**Attachment "H"**.) Also, see 2010-2016 Census Maps, showing low income areas in the city, included herein (**Attachment "H"**.)

- 2) **Frequency with LEP individuals come in contact with the program.** The City of Corpus Christi currently handled over 300,000 customer calls in the consolidated call center for Fiscal Year 2017. Of which, 9347 were conducted in Spanish language. To date there has been no other language requested for assistance.

- 3) **Importance of the service provided by the program.** The City of Corpus Christi also develops and distributes vital information in Spanish. In Fiscal Year 2017, the City distributed 121 Spanish language news releases which included emergency notifications. Voter information was also translated and provided for voter approved bond referendums including a variety of background information.

Additionally, a variety of safety messages are translated and distributed to over 95,000 customers multiple times throughout the year in English/Spanish format to include safe digging, pipeline awareness, natural gas safety and hurricane preparedness.

- 4) **Resources available to the agency.** Ten customer service representatives located in the City's customer call center are bi-lingual and able to translate/communicate with residents needing assistance with limited English. The City also employs one full-time public information officer who conducts television and radio interviews in Spanish. This employee also translates all news releases and written materials as needed for a variety of departments including applications, brochures, news releases, etc.



VIII. Public Participation Plan

As a recipient of federal funds from the Texas Department of Transportation (TxDOT), the City is subject to legal requirements to create and implement a public participation plan that identifies and describes the City's policies and procedures for public participation and to ensure meaningful access to the benefits, services and information. The City has written a separate LEP Plan to address the specific communication needs of LEP populations; the communication strategies identified in this Public Participation Plan (PPP) will be coordinated with the policies and procedures identified in the LEP Plan.

Title VI of the Civil Rights Act of 1963 (Title VI)

Title VI and its implementing regulations provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, including matters related to language access for persons with limited English proficiency (LEP), under any program or activity that receives federal financial assistance.

Title VI and its implementing regulations require that the City take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of the City's TxDOT funded projects for all people without discrimination including individuals who have LEP.

Executive Order (EO) 13166 – Improving Access to Services for Persons with Limited English Proficiency

EO 13166 was signed by President Clinton on August 16, 2000 and directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The EO states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

EO 12898 was issued by President Clinton in 1994 as a means to advance the principles of Title VI. It directs each federal agency "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and/or low-income populations."

U.S. DOT Order 5610.2 – Order to Address Environmental Justice in Minority and Low-Income Populations

DOT re-issued Order 5610.2 in May 2012 to ensure transportation agencies were in compliance with EO 12898. The updated order reaffirms DOT's commitment to environmental justice (EJ) guiding principles: (1) to avoid, minimize, and mitigate disproportionately high and adverse effect; (2) to ensure the full and fair participation by all potentially affected communities; and (3) to prevent the denial of, reduction in, or significant delay in receipt of benefits by minority and low-income populations. The order directs Federal transportation agencies to identify and address, as



appropriate, disproportionately high and adverse human health or environmental effects, to promote the principles of EJ in all DOT programs, policies and activities, and to fully consider EJ principles throughout the planning and decision-making process.

City's Public Participation Policies and Procedures:

The Public Information Office for the City of Corpus Christi works in coordination with the Department of Public Works and Engineering and other City departments to publish notice of public meetings for public works projects throughout the City of Corpus Christi. The City typically holds an initial public meeting to discuss proposed Capital Improvement Projects or Bond Funded Projects and a second meeting when the Project is ready to be awarded to a Contractor.

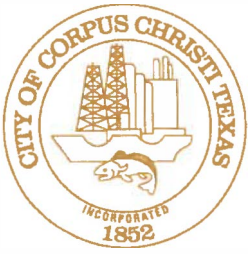
The City's Public Meeting Procedures for are attached to this Plan (**Attachment "I"**.) The City also uses a door hanger process to notify property owners adjacent to road construction projects to notify them of the upcoming public works project two-weeks out and again 2-days prior to the start of construction. Door hangers are printed in both English and Spanish for LEP portions of the City's population. A copy of the door hangers used is also attached hereto (**Attachment "I"**.)

The City Council and City Planning & Zoning Commission also hold frequent public hearings on zoning and land use matters, Transportation Plans, Bond Proposals, Capital Improvement Projects and other programs of interest to the citizens of Corpus Christi. The City publishes notice of these Public Hearings in a newspaper of general circulation, typically the *Corpus Christi Caller Times* and the City frequently posts notice of public hearings on the City's website which is accessible to the public.

The City publishes city ordinances calling City Elections and Bond Elections in both English and Spanish. The City also publishes any notices or public hearings related to city elections and bond elections in both English and Spanish so that citizens who are LEP know when public hearings are scheduled, and which candidates and bond proposals are up for consideration or election. A sample of some of these public participation items are attached hereto (**Attachment "J"**.)

IX. Standard Non-Discrimination Clauses for TxDOT Projects

The City of Corpus Christi includes all standard U.S. DOT Title VI assurance clauses in project bid documents and contracts which are funded by TxDOT, U.S. Department of Transportation, or Federal Aviation Administration dollars. See, documents attached in (**Attachment "K"**.)




City of Corpus Christi, Texas

Title VI Policy Statement

Keith Selman
INTERIM CITY MANAGER

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The City of Corpus Christi, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, affirms no person shall on the grounds of race, color, national origin, gender, age, disability or religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 200d-3) be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the City regardless of whether these projects and activities are federally funded or not.



Samuel "Keith" Selman, Interim City Manager

ATTACHMENT
"A"



ATTACHMENT "B"

TITLE VI

Nondiscrimination Assurances

LEGAL DEPARTMENT

PO Box 9277
Corpus Christi
Texas 78469-9277
Phone 361-826-3360
Fax 361-826-3239
www.ctexas.com

Municipal Court Prosecutor's Office

120 N. Chaparral
Corpus Christi
Texas 78401
Phone 361-886-2530
Fax 361-886-2567

Human Relations

PO Box 9277
Corpus Christi
Texas 78469-9277
Phone 361-826-3190
Fax 361-826-3192

Risk Management

PO Box 9277
Corpus Christi
Texas 78469-9277
Phone 361-826-3680
Fax 361-826-3697

The City of Corpus Christi (hereinafter referred to as the "Sub-Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Sub-Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Sub-Recipient hereby gives the following specific assurances with respect to the programs administered by the Sub-Recipient.

1. That the Sub-Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Sub-Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all programs administered by the Sub-Recipient and, in adapted form in all proposals for negotiated agreements.

The Sub-Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Sub-Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Sub-Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Sub-Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Sub-Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Sub-Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sub-Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the programs administered by the Sub-Recipient; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the programs administered by the Sub-Recipient.
8. That this assurance obligates the Sub-Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is provided, or is in the form of, personal property, or real property, or interest therein, or structures, or improvements thereon, in which case the assurance obligates the Sub-Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Sub-Recipient retains ownership or possession of the property.
9. The Sub-Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other Sub-Recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Sub-Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of, and the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Sub-Recipient by the Department of Transportation under the programs administered by the Sub-Recipient and is binding on it, other Sub-Recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the programs administered by the Sub-Recipient. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sub-Recipient.

DATED 8/22/18

By 
Samuel "Keith" Selman
Interim City Manager

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

Clauses for Deeds Transferring United States Property

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Corpus Christi will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all Department of Transportation programs, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d4), does hereby remise, release, quitclaim and convey unto the City of Corpus Christi all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto City of Corpus Christi and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Corpus Christi, its successors and assigns.

The City of Corpus Christi, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed and (2) that the City of Corpus Christi will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended

[, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

Clauses for Transfer of Real Property Acquired or Improved under the Activity, Facility or Program

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Corpus Christi pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, City of Corpus Christi will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the City of Corpus Christi will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Corpus Christi and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX D

Clauses for Construction/Use/Access to Real Property Acquired under the Activity, Facility or Program

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Corpus Christi pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, City of Corpus Christi will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, City of Corpus Christi will there upon revert to and vest in and become the absolute property of City of Corpus Christi and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

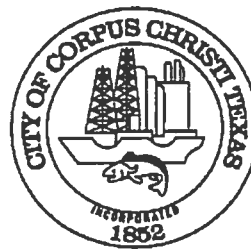
APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); • Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Memo



TO: Sylvia Wilson, Human Relations Administrator
THRU: Miles K. Risley, City Attorney *MR*
FROM: Samuel "Keith" Selman, City Manager *KS*
SUBJECT: Appointment as Title VI Coordinator
DATE: August 16, 2018

You are hereby appointed as the Title VI Coordinator for the City of Corpus Christi, Texas. As such, you will be the primary liaison between the City of Corpus Christi and State and Federal agencies regarding Title VI Nondiscrimination Plans, requirements, updates and annual work plans. You and your department will be primarily responsible for making sure that all City Departments are educated, up to date and in compliance with all regulations and requirements established by Federal and State authorities pursuant to Title VI of the Civil Rights Act of 1964 and related codes and regulations.

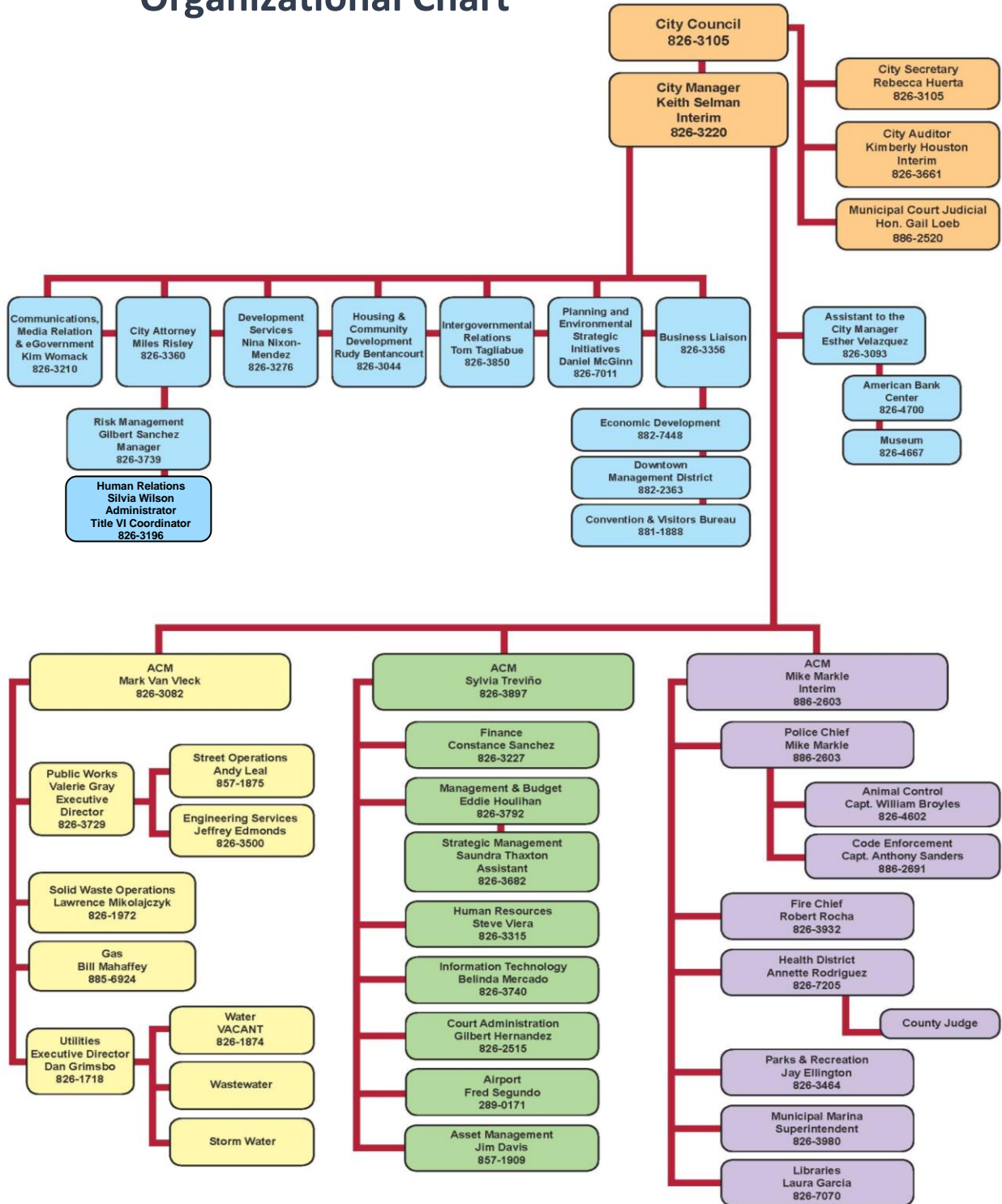
ATTACHMENT

"C"



ATTACHMENT "D"

City of Corpus Christi Organizational Chart





City of Corpus Christi
Civil Rights Complaint Form

Section 1 – Basic Information

Last Name _____ First Name _____ MI _____

Street Address _____ Apt # _____ Gate Code _____

City/State/Zip _____

Date of Birth _____ Email _____

Primary Phone Number _____ Home Cell Work

Secondary Phone Number _____ Home Cell Work

Section 2 – Complaint Information

1. Please select at least one of the following as the basis of your complaint:

Race _____ Age _____ National Origin _____

Color _____ Gender _____ Disability _____

2. What was the date and place of the alleged discriminatory action(s)? Please include, at a minimum, the earliest and most recent date.

3. Please describe how you were discriminated against, explaining as clearly as possible why you believe your Title VI rights were violated. Attach additional pages, if necessary.

4. Please provide the name(s) of individual(s) responsible for the alleged action described above.

5. Please provide the name(s) of person(s) whom we may contact for additional information to support or clarify your complaint.

Name	Address	Telephone #

6. Briefly explain what action or remedy you are seeking for the alleged discriminatory action.

7. Attach any relevant documentation you believe will assist with an investigation.

Section 3 – Filing Information

1. Have you filed this complaint with any of the following agencies?

- U.S. Department of Transportation Yes No
- U.S. Department of Justice Yes No
- Federal Transit Administration Yes No
- Federal Highway Administration Yes No
- Texas Department of Transportation Yes No
- Equal Employment Opportunity Commission Yes No
- Other _____ Yes No

If yes, please provide a copy of the complaint form you filed with any of the above agencies.

2. Is this complaint against the City of Corpus Christi? Yes No
3. Have you been in contact with a City employee regarding this complaint? Yes No If yes, what is the name and telephone number of the employee?
-

4. Have you filed a lawsuit regarding this complaint? Yes No

Section 4 - Certification

I certify all the information contained in this complaint is true and correct to the best of my knowledge.

Signature

Date

Authorized Representative Information

Name _____

Phone Number _____

Relationship to the Applicant _____

Signature

Date

**Please mail your completed form to:
Human Relations Department
Corpus Christi City Hall
1201 Leopard Street
Corpus Christi, Texas 78401**

{NOTE: The City cannot accept this complaint form without a signature.}



City of Corpus Christi
Formulario de Queja de Derechos Civiles

Seccion 1 – Información basica

Apellido _____ Primer Nombre _____ Segundo Nombre _____

Dirección _____ Apt # _____ Código del portón _____

Ciudad/Estado/Zona postal _____

Fecha de nacimiento _____ Correo electrónico _____

Número de teléfono primario _____ Casa Móvil Trabajo

Número de teléfono secundario _____ Casa Móvil Trabajo

Seccion 2 – Informacion de Quejas

1. Por favor seleccione al menos uno de los siguientes como base de su queja:

Raza _____ Edad _____ Origen Nacional _____

Color _____ Genero _____ Discapacidad _____

2. ¿Cuál fue la fecha y el lugar de la supuesta (s) acción (es) discriminatoria (s)? Por favor incluya, como mínimo, la fecha más temprana y más reciente.

3. Describa cómo fue discriminado, explicando con la mayor claridad posible por qué cree que sus derechos de Título VI fueron violados. Adjunte páginas adicionales, si es necesario.

4. Por favor indicar el (los) nombre (s) de los individuos responsables de la supuesta acción descrita anteriormente.

5. Por favor proporcionar el nombre de la (s) persona (s) a quienes podemos contactar para obtener información adicional para apoyar o aclarar su queja.

Nombre	Dirección	Telefono#

6. Explique brevemente qué acción o recurso usted está buscando para la supuesta acción discriminatoria.

7. Adjunte cualquier documentación pertinente que crea que le ayudará en una investigación.

Sección 3 – Información de archivo

1. ¿Ha presentado esta queja ante alguna de las siguientes agencias?

- U.S. Department of Transportation Sí No
- U.S. Department of Justice Sí No
- Federal Transit Administration Sí No
- Federal Highway Administration Sí No
- Texas Department of Transportation Sí No
- Equal Employment Opportunity Commission Sí No
- Otro _____ Sí No

En caso afirmativo, proporcione una copia del formulario de quejas que presentó ante cualquiera de las agencias mencionadas.

2. ¿Es esta queja contra la Ciudad de Corpus Christi? Sí No

3. Ha estado en contacto con un empleado de la Ciudad con respecto a esta queja? Sí No
En caso afirmativo, ¿cuál es el nombre y número de teléfono del empleado?

4. ¿Ha presentado una demanda relacionada con esta queja? Sí No

Sección 4 - Certificación

Certifico que toda la información contenida en esta queja es verdadera y correcta según entiendo.

Firma

Fecha

Información del Representante Autorizado

Nombre _____

Teléfono _____

Relación con el solicitante _____

Firma

Fecha

Envíe por correo su formulario completado a:
Human Relations Department
Corpus Christi City Hall
1201 Leopard Street
Corpus Christi, Texas 78401

(NOTA: La Ciudad no puede aceptar este formulario de queja sin una firma.)

City of Corpus Christi Title VI Complaint Log

	Date Recv'd	Case Number (YR-Mth-Day)	Name	Address	Contact Phone #	Covered Basis: Race, Color, National Origin, Disability, Age, and/or Gender	Issue Associated with the Basis	City Department(s) associated with alleged violation(s)	Description of Alleged Title VI Concern	Action / Outcome (Sent to and When?)	Investigative Comments (specify dates)	Concern Addressed by	Closure Date and status of investigative findings.
1													
2													
3													
4													

**ATTACHMENT
"F"**

Chapter 24 - HUMAN RELATIONS^[1]ATTACHMENT
"G"

ARTICLE I. - IN GENERAL

Sec. 24-1. - Definitions.

For the purposes of Chapter 24, Human Relations, the following words and phrases shall have the following meanings:

Administrator shall mean the individual designated director of human relations by the City Manager of the City of Corpus Christi.

Chapter shall mean Chapter 24, Human Relations, sections 24-1 et seq. of the Code of Ordinances of the City of Corpus Christi, as amended.

City shall mean the City of Corpus Christi, a municipal corporation and a home rule city.

Commission shall mean the Corpus Christi Human Relations Commission as established pursuant to section 24-2 herein.

Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries, and any other organization or entity of whatever character.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-2. - Human relations commission; established; composition; appointment, term and compensation of members; filling vacancies.

- (a) There is hereby established the "Corpus Christi Human Relations Commission." Said commission shall consist of sixteen (16) voting members. Fourteen (14) members will be appointed by the mayor with the approval of the city council.
- (1) One (1) member shall be in the business of selling dwellings.
 - (2) One (1) member shall be in the business of renting dwellings.
 - (3) Three (3) members will each serve a term of one (1) year, unstagged, and shall not be more than twenty (20) years of age at time of appointment.
 - (4) The members shall be broadly representative of the total community, drawn

from various racial, religious, ethnic, or other groups.

- (5) The fifteenth member will be the director of the Coastal Bend Legal Services or a designated member of the director's staff.
 - (6) The sixteenth member will be the chairperson of the Committee for Persons with Disabilities.
- (b) The members of the commission shall serve without compensation. Members of such commission, exclusive of the members appointed under subsection (a)(3) of this section; the chairperson of the Committee for Persons with Disabilities, and the member of the staff of the Coastal Bend Legal Services, shall serve staggered terms of (3) three years. Initial appointment of three (3) of the members shall be for one (1) year, three (3) of the members for two (2) years, and three (3) of the members for three (3) years. Terms shall extend through June 14 each year. The initial terms of the members in the business of selling and renting dwellings shall end in 2000 and 2001, respectively.
- (c) The representative from the Coastal Bend Legal Services and the chairperson of the Committee for People with Disabilities shall serve continuously and shall not be subject to the appointment required under this section.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 2, 2-10-2004)

Sec. 24-3. - Organization of commission.

- (a) The chair of the commission shall be designated by the mayor and his/her term of office fixed at the time of the initial appointment. Thereafter, the mayor shall designate the chair at the expiration of the term as chair or sooner if the position of chair shall become vacant. The commission shall annually elect at its first meeting in July a vice-chair from among its members. In the event of the death or resignation of any member of the commission, a successor shall be appointed by the mayor, with the approval of the city council, for the remaining term of the vacant position. If some member already on the commission is appointed as chair, the balance of his/her term shall be filled by appointment.
- (b) The commission shall keep minutes of its meetings and activities and furnish copies of said minutes to the mayor and city council within fifteen (15) days of the meeting or activity. The commission may promulgate, subject to approval by the

city council. Rules of procedure for proceedings by the administrator and before the commission. The administrator shall provide the necessary administrative and clerical support so that the commission can expeditiously carry out its duties.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-4. - Commission duties.

- (a) The commission shall study problems of group relations within the city and advise and cooperate with the mayor, city council, city manager, and all city boards and commissions with relation to any such problems. The commission shall make its reports and recommendations to the mayor and city council, city manager and city boards and commissions for the betterment of intergroup relationships within the community or for the handling of any specific problem.
- (b) The commission is further authorized to:
 - (1) Devise and recommend to the mayor and city council ways and means to discourage and combat prejudice, intolerance and bigotry in all groups and in their relations with one another.
 - (2) Discover all practices and policies calculated to create conflicts and tensions, and recommend to the mayor and city council ways and means for their elimination.
 - (3) Report and recommend to the mayor and city council means of eliminating any unfair or unjust discrimination against any person or group which would be deemed detrimental to the best interest of the community.
 - (4) Inform and warn the public of rumors and misleading information detrimental to the purposes of the commission.
 - (5) Receive, hear and investigate complaints of discrimination by or against any person or group, and report its findings to the mayor and city council.
 - (6) Receive, hear and investigate complaints referred by the administrator in accordance with this chapter and rules and procedure promulgated by the commission, and report its findings and recommendations as required and directed by this chapter.
 - (7) Investigate, acting through the administrator, all complaints received regarding failure of a contractor or potential contractor to be an equal opportunity employer as required by the general conditions of the bid

specifications of the city. The report of its findings shall be submitted to the city manager, city secretary and director of finance. The commission shall keep an active file on any complaint in which it finds that the charge has some basis and shall, through its administrator, work with the contractor involved to end any discriminatory practices to the satisfaction of the commission, to the end that the commission can satisfy itself that the basis for the charge has been eliminated. The commission shall file with each party receiving a copy of its initial report such supplemental reports of its findings as may be indicated until the file is closed.

- (8) Acting through the administrator, investigate all complaints received regarding the failure of the city to provide accessible buildings and programs or to prevent discrimination against people with disabilities through its administration of its ordinances and the management of its programs and properties, as required by applicable federal and state laws and implementing regulations. In carrying out this activity, the commission shall:
 - a. Determine whether in its opinion the city has violated any applicable federal or state laws and implementing regulations.
 - b. Recommend any remedies or reasonable accommodations that are needed to remedy the situation.
 - c. Report its findings to the city manager and city secretary.
 - d. Keep an active file on any complaint in which it finds that the charge has some basis and shall, through its administrator, work with the appropriate city official to end any discriminatory practices to the satisfaction of the commission, to the end that the commission can satisfy itself that the basis for the charge has been eliminated.
 - e. File with each party receiving a copy of its initial report any supplemental reports of its findings as may be indicated until the file is closed.
- (9) Acting through the administrator, investigate all complaints received regarding discrimination against qualified persons with disabilities by the owner of any place of public accommodation, including the employees and agents of the owner, has unreasonably withheld any of the advantages,

facilities, programs, or services offered to the general public by a place of public accommodation or failed to make a reasonable accommodation to the person with a disability.

- a. Determine whether in its opinion there has been a violation of the applicable federal or state laws and implementing regulations by the place of public accommodation.
 - b. Report its findings to the city manager and city secretary.
 - c. Keep an active file on any complaint in which it finds that the charge has some basis and shall, through its administrator, work with the appropriate city official to end any discriminatory practices to the satisfaction of the commission, to the end that the commission can satisfy itself that the basis for the charge has been eliminated.
 - d. File with each party receiving a copy of its initial report any supplemental reports of its findings as may be indicated until the file is closed.
- (c) The annual operating budget of the commission shall be established by the city's regular budgetary process and not be determined solely by outside sources of remuneration, such as through work sharing agreements with the state or federal agencies.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 3, 2-10-2004)

Sec. 24-5. - Continuing program for the promotion of better relations and interagency cooperation.

As part of its continuing program, it shall be the duty of the commission to:

- (1) Cooperate with federal, state and city agencies, citizens, citizens' organizations, school districts and parochial and private schools in formulating and developing plans, procedures, methods and educational programs to stimulate the interest of the entire population in accomplishing the objectives of the commission.
- (2) Enlist the cooperation of all racial, religious, educational, community, civic, labor, fraternal, benevolent, governmental and other constructive community forces and talents that would be helpful in discharging its duties.
- (3) Conduct voluntary surveys, assemble pertinent data, confer with any and all groups, and hold hearings to expedite the work of the commission.

- (4) Endeavor by education to induce public and private employers, labor and professional organizations, and employment agencies to institute nondiscriminatory practices in employment, union membership, promotion, wages, working conditions, layoffs and job opportunities.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-6. - Committees; consultation.

The chair of the commission shall have authority to appoint committees consisting only of commission members. The authority of each committee shall be restricted to specific assignments set forth by the commission and such authority shall terminate upon a final report and recommendation to the full commission. The chair, with the advice and consent of the commission, may call upon individuals from throughout the community to assist the commission or its committees in the investigation of any matter being considered by the commission.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-7. - Subpoena powers.

- (a) In connection with any complaint filed under Chapter 24, the administrator or an investigator on his/her staff may at any reasonable time request access to premises, witnesses, records, and documents relevant to a complaint. If such request is denied, the administrator shall report such denial to the commission, and the commission may, in its discretion, issue a subpoena to compel access to such witnesses or items. If any party fails to comply with a subpoena issued by the commission, the commission may request the city attorney to initiate legal proceedings in district court to enforce compliance with the subpoena.
- (b) In connection with any complaint filed under Chapter 24, the commission may request and, if necessary, compel by subpoena, the attendance of necessary witnesses for examination under oath or affirmation and the production, for inspection and copying, of records, documents and other evidence relevant to the investigation of complaints filed under Chapter 24. If any party fails to comply with a subpoena issued by the commission, the commission may request the city attorney to initiate legal proceedings in an appropriate judicial forum to enforce compliance with the subpoena.

(Ord. No. 23411, § 1, 8-18-1998)

Secs. 24-8—24-19. - Reserved.

ARTICLE II. - DISCRIMINATION IN PLACE OF PUBLIC ACCOMMODATION

Sec. 24-20. - Definitions.

For purposes of this article, the following words shall have the following meanings:

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; a record of impairment; or being regarded as having such an impairment.

- a. Physical or mental impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- b. Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- c. Has a record of such impairment means a history of, or has been misclassified as having a mental or physical impairment that substantially limits one (1) or more major life activities.
- d. Is regarded as having an impairment means has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has none of the impairments defined above but is treated as having an impairment.

Place of public accommodation means every business within the city, whether wholesale or retail, which is open to the general public and offers, for compensation, any product, service or facility. The term "place of public accommodation" shall include, but not be limited to, all other places of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited. As used in this chapter, the term place of public accommodation does not apply to any facility or program owned or operated by the federal or state governments or political subdivisions of the state.

Public facilities includes streets, highways, sidewalks, walkways, all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation, hotels, motels, or other places of lodging, public buildings maintained by any unit or subdivision of government, buildings to which the general public is invited, college dormitories and other educational facilities, restaurants or other places where food is offered for sale to the public, and all other places of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 4, 2-10-2004)

Sec. 24-21. - Policy.

It is the policy of the city to encourage and enable individuals with a disability and all other persons regardless of race, color, national origin, sex, age, or religion to participate fully in the social and economic life of the city, to achieve maximum personal independence, to become gainfully employed, and to otherwise fully enjoy and use all public facilities, programs, and services available within the city.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 5, 2-10-2004)

Sec. 24-22. - Discrimination prohibited.

- (a) Subject only to limitations and conditions established by law and applicable to all persons, persons with disabilities have the same right as those who are not disabled to the full use and enjoyment of any public facility, program, service, and

place of public accommodation in the city under Chapter 121, "Participation in Social and Economic Activities" of Title 8 of the Human Resources Code, as amended, of the State of Texas.

- (b) To the extent required by federal or state law, it shall be unlawful for any person or any employee or agent thereof, within the city, to withhold from or deny any person, because of race, color, sex, religion, age, disability, or national origin, any public facility or any of the advantages, facilities, programs, or services offered to the general public by a place of public accommodation.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 6, 2-10-2004)

Sec. 24-23. - Civil remedies available to persons subject to discrimination.

This article shall neither add to nor detract from any civil remedies now available or which may become available to persons subject to discrimination on the basis of race, color, sex, age, national origin or disability.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-24. - Inapplicability of Article II.

Except as may otherwise be provided or required by federal or state law, section 24-22(b) shall not apply to:

- (1) Any hotel, motel, restaurant, or place of amusement which is operated as a bona fide private club if the facilities and services are restricted to members of such club and their invited guests.
- (2) Any bona fide social, fraternal, educational, civic, political or religious organization if the profits from any facilities or services defined above are solely for the benefit of such organization.
- (3) Any hotel or motel located within a building which contains less than six (6) rooms for rent or hire and which is also actually occupied by the proprietor as his/her residence.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-25. - Penalty for violation of Article II.

Any person violating any provision of this article shall be punished by fine of up to the maximum provided in section 1-6 of the Code of Ordinances of the City of Corpus Christi ("City Code"). Violations of section 24-22(a) of this article may also be forwarded to the appropriate governmental body to enforce and punish such conduct to the extent and manner prescribed by applicable law.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 25650, § 7, 2-10-2004)

Sec. 24-26. - Committee for persons with disabilities.

The committee for persons with disabilities may assist the human relations commission in identifying issues affecting persons with disabilities under this article.

(Ord. No. 24364, § 2, 2-13-2001)

Secs. 24-27—24-29. - Reserved.

ARTICLE III. - DISCRIMINATION IN HOUSING^[2]

Sec. 24-30. - Declaration of policy.

- (a) It is hereby declared to be the policy of the city to bring about, through fair, orderly and lawful procedures, the opportunity for each person to obtain housing without regard to his/her race, color, sex, religion, disability, familial status, or national origin.
- (b) It is further declared that this policy is grounded upon a recognition of the inalienable right of each individual to provide for himself and his/her family a dwelling according to his/her own choosing; and further, that the denial of such rights through considerations based upon race, color, sex, religion, disability, familial status, or national origin is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust denial or deprivation of such inalienable right which is within the power and the proper responsibility of government to prevent.
- (c) To provide rights and remedies substantially equivalent to those granted under state and federal law, pursuant to authority explicitly granted municipalities by the Texas Local Government Code Sec. 51.002.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-31. - Definitions.

For purposes of this article, the following words and phrases shall have the following meanings:

Aggrieved person includes any person who claims to have been injured by a discriminatory housing practice or believes that such person will be injured by a discriminatory housing practice that is about to occur.

Complainant means a person, including the commission, who files a complaint under section 24-40 (complaint).

Commission means the City of Corpus Christi Human Relations Commission.

Conciliation means the attempted resolution of issues raised by a complaint or by the investigation of the complaint through informal negotiations involving the aggrieved person, the respondent, and the administrator.

Conciliation agreement means a written agreement setting forth the resolution of the issues in conciliation.

Discriminatory housing practice means an act prohibited by this article.

Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed and intended for occupancy as, a residence by one (1) or more families, or any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or part of a building or structure described in this article.

Family includes a single individual.

Familial status means one (1) or more individuals (who have not attained the age of eighteen (18) years) being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2)

The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Disability means (a) a physical or mental impairment that substantially limits one (1) or more of the major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment but such term does not include the current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. 802 and does not apply to an individual because of an individual's sexual orientation or because that individual is a transvestite.

Major life activities means functions such as, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Person includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11, receivers, and fiduciaries.

To rent includes to lease, sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

Respondent means:

- (1) The person accused of a violation of this article in a complaint of a discriminatory housing practice; or
- (2) Any person identified as an additional or substitute respondent under section 24-43 (Additional or substitute respondent) or an agent of an additional or substitute respondent.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-32. - Administration.

- (a) [*Generally.*] The commission shall administer this article.
- (b)

Rules. The commission may adopt rules necessary to implement this article, provided that substantive rules adopted by the commission shall impose obligations, rights, and remedies which are substantially the same as provided in federal fair housing regulations. The commission may adopt procedural rules to implement this article.

- (c) *Complaints.* The administrator shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this article.
- (d) *Delegation of authority.* The commission may, by rule, authorize the administrator to exercise the commission's powers or perform the commission's duties under this article.
- (e) *Reports, studies.* The commission shall, at least annually, make a written report to the city council recommending legislative or other action to carry out the purposes of this article. The commission shall make studies relating to the nature and extent of discriminatory housing practices in this city.
- (f) *Cooperation with other entities.* The commission shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.
- (g) *Subpoenas, discovery.* The administrator may issue subpoenas and order discovery as provided by this section in aid of investigations and hearings under this article. The subpoenas and discovery may be ordered to the same extent and are subject to the same limitations as subpoenas and discovery in a civil action in state district court.
- (h) *Witness fees.* Witnesses summoned by a subpoena under this article shall be entitled to the same witness and mileage fees as witnesses in state district court. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party, or, where a party is indigent, by the administrator.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-33. - Exemptions and exclusions.

- (a) There shall be exempted from the application of section 24-36:
 - (1)

Any single-family house sold or rented by an owner: provided, that such private individual owner does not own more than three (3) single-family houses at any one (1) time, provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in nor is there owned or reserved on his/her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further, the sale or rental of any such single-family house shall be excepted from such application only if such house is sold or rented:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, licensed under the Real Estate license Act (Art. 6753a, Vernon Texas Civil Statutes), or of any employee or agent of any such broker, agent, salesman or person, or of such facilities or services of any person in the business of selling or renting dwellings, and
 - b. Without the publication, posting or mailing of any advertisement or written notice in violation of section 24-36(c); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title;
- (2) The rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies one of such living quarters as his/her residence.
- (3) For purposes of subdivision (1)(a) of this subsection, a person shall be deemed to be in the business of selling or renting dwellings if:
- a. He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

- b. He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - c. He is the owner of any dwelling designed or intended for occupancy, or occupied by, five (5) or more families.
- (b) Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.
- (1) As used in this section, "housing for older persons" means housing:
- a. Provided under any state or federal program specifically designed operated to assist elderly persons (as defined in the state or federal program); or
 - b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
 - c. Intended and operated for occupancy by persons 55 years of age or older, and:
 - 1. At least eighty (80) percent of the occupied units are occupied by at least one person who is fifty-five (55) years of age or older;
 - 2. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and
 - 3. The housing facility or community complies with rules issued by the secretary for verification of occupancy, which shall:
 - i. Provide for verification by reliable surveys and affidavits; and
 - ii. Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.
- (2) Housing shall not fail to meet the requirements for housing for older persons by reason of:
- a.

Persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subdivision (1)b. or (1)c.; provided, that new occupants of such housing meet the age requirements of subdivisions (1)b. or (1)c.; or

- b. Unoccupied units: provided, that such units are reserved for occupancy by persons who meet the age requirements of subdivisions (1)b. or (1)c.
- (3) a. A person shall not be held personally liable for monetary damages for a violation of this article if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.
- b. For purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that:
 - 1. Such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and
 - 2. The facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.
- (c) Nothing in this article prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. 802.
- (d) Nothing in this article shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, disability, familial status, or national origin.
- (e) Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-34. - Appraisal exemption.

This article does not prohibit a person engaged in the business of furnishing appraisals of residential real property from taking into consideration factors other than race, color, religion, sex, disability, familial status, or national origin.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-35. - Effect on other law.

- (a) This chapter does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards.
- (b) This article does not affect a requirement of nondiscrimination in any other ordinance or state or federal law.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-36. - Discrimination in the sale or rental of housing.

Except as exempted by section 24-33, it shall be unlawful for any person:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, sex, religion, disability, familial status, or national origin.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, disability, familial status, or national origin.
- (3) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference limitation or discrimination based on race, color, sex, religion, disability, familial status, or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, color, sex, religion, disability, familial status, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

- (5) For profit, or with the hope or expectation of profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, disability, familial status, or national origin.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-37. - Disability.

- (a) A person shall not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to a buyer or renter because of a disability of:
 - (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (3) Any person associated with that buyer or renter.
- (b) A person shall not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:
 - (1) That buyer or renter;
 - (2) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (3) Any person associated with that person.
- (c) For purposes of this section only, discrimination includes:
 - (1) A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises of a dwelling, provided that, in the case of a rental, a landlord may (a) reasonably condition permission for modifications upon the renter's agreement to restore the interior of the premises to its premodification condition, reasonable wear and tear excepted, and (b) reasonably condition such permission on the renter providing a reasonable description of the proposed modifications and reasonable assurances that all work will be done in a workmanlike manner and that all required permits will be obtained.

- (2) A landlord may not increase for a person with a disability any customarily required security deposit, except that, to ensure available funds for restorations, if any, a landlord may negotiate an agreement that the renter deposit into an interest bearing escrow account, over a reasonable period, a reasonable amount not to exceed the cost of restorations where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restoration. All interest shall accrue to the renter's benefit.
- (3) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling, including public and common use areas.
- (4) Making any inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling or any person associated with that person, has a disability or to determine the nature or severity of any disability, except that the following inquiries may be made if these inquiries are made of all applicants, regardless of disability:
 - a. Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;
 - b. Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability;
 - c. Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability;
 - d. Inquiring whether an applicant for a dwelling is a current illegal user or addict of a controlled substance;
 - e. Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.
- (d) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for persons with physical disabilities, commonly cited as "ANSI A117.1," suffices to satisfy the requirements of subsection (f) of this section.
- (e) As used in this section, the term "covered multi-family dwellings" means:

- (1) Buildings consisting of four (4) or more units if the buildings have one or more elevators; and
 - (2) Ground floor units in other buildings consisting of four (4) or more units.
- (f) Covered multifamily dwellings occupied by March 13, 1991, or if the building permit or renewal is made before June 15, 1990, are not covered. Federal Regulations exclude such buildings from the requirements of accessibility. Federal regulations state that dwelling for first occupancy after March 13, 1991, must meet accessible route requirements, while dwellings designed and constructed for first occupancy on or before March 13, 1991, were exempted. The covered multifamily dwellings, shall be designed and constructed to have at least one building entrance on an accessible route unless it is impractical to do so because of terrain or unusual characteristics of the site. For purposes of this section, a covered multifamily dwelling shall be deemed to be designed and constructed for first occupancy after March 13, 1991. If the dwelling is occupied by that date, or if the last building permit or renewal thereof for the dwelling is issued by a State, County, or local government on or before June 15, 1990, it is exempt. The burden of establishing impracticality because of terrain or unusual site characteristics is on the person or persons who designed or constructed the housing facility. All covered multifamily dwellings for first occupancy after March 13, 1991, with a building entrance on an accessible route shall be designed and constructed in a manner that:
- (1) The public use and common use portions of the dwellings are readily accessible to and usable by persons with a disability;
 - (2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons in wheelchairs; and
 - (3) All premises within the dwellings contain the following features of adaptive design:
 - a. An accessible route into and through the dwelling;
 - b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - c. Reinforcements in bathroom walls to allow later installations of grab bars; and
 - d. Usable kitchens and bathrooms so that an individual in a wheelchair can

maneuver about the space.

- (g) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-38. - Discrimination in the financing of housing, residential real estate-related transactions.

- (a) A person whose business includes engaging in residential real estate related transactions may not discriminate against another in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status, or national origin.
- (b) In this section, "residential real estate related transaction" means:
 - (1) The making or purchasing of loans or the provision of other financial assistance:
 - a. To purchase, construct, improve, repair, or maintain a dwelling; or
 - b. To secure residential real estate; or
 - (2) The selling, brokering, or appraising of residential real property.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-39. - Discrimination in the provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership or participation, on account of race, color, sex, religion, disability, familial status, or national origin.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-40. - Complaint.

- (a) The administrator shall begin an investigation within thirty (30) days of filing an alleged discriminatory housing practices.

- (b) A complaint must be in writing and under oath according to the form prescribed by HUD and the commission.
- (c) An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the administrator alleging the discriminatory housing practice.
- (d) Not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, which ever is later, the commission may file its own complaint.
- (e) A complaint may be amended at any time.
- (f) On the filing of a complaint the administrator shall:
 - (1) Give the aggrieved person notice that the complaint has been received;
 - a. Advise the aggrieved person of the specific time limits applicable to complaint processing and the procedural rights and obligations of the aggrieved person and choice of forums under this article including that he/she has the right to commence a civil action under Section 813 of the Fair Housing Act in the United States District Court not later than two years after the occurrence or termination of the alleged discriminatory housing practice; and
 - b. A copy of the original complaint will be sent to the aggrieved person(s).
 - (2) Not later than the 10th day after the filing of the complaint or the identification of an additional respondent under section 24-43, serve on each respondent:
 - a. A notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this article; and
 - b. A copy of the original complaint will be sent to the aggrieved person(s).
 - (3) The agency must make a final administrative disposition of a complaint within one year of the date of filing of the charge.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, 2-8-2000)

Sec. 24-41. - Answer.

- (a) Not later than the 10th day after receipt of the notice and copy under section 24-40(f), a respondent may file an answer to the complaint.

- (b) An answer must be:
 - (1) In writing;
 - (2) Under oath; and
 - (3) In the form approved by the commission.
- (c) An answer may be amended at any time.
- (d) An answer does not inhibit the investigation of a complaint.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-42. - Investigation.

- (a) If the state or federal government has referred a complaint pursuant to the work sharing agreement, to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the administrator shall begin an investigation into the allegations set forth in the complaint within thirty (30) days from the receipt of complaint.
- (b) The commission shall direct the administrator to investigate all complaints, and the administrator shall complete an investigation no later than the 100th day after the date the complaint is filed, or if it is unable to complete the investigation within the one hundred-day period, the administrator shall notify the complainant and the respondent in writing of the reasons for delay.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-43. - Additional or substitute respondent.

- (a) The administrator may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the administrator determines that the person should be accused of a discriminatory housing practice.
- (b) In addition to the information required in the notice under subsection (f) of section 24-40 (complaint), the administrator shall include in a notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-44. - Conciliation.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-46. - Investigative report.

- (a) The administrator shall prepare a final investigative report showing:
 - (1) The names and dates of contacts with witnesses;
 - a. The investigative report will not disclose the names of witnesses that request anonymity, unless the administrator is required to do so under court order.
 - (2) A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts;
 - (3) A summary description of other pertinent records;
 - (4) A summary of witness statements; and
 - (5) Answers to interrogatories.
- (b) A final report under this section may be amended if additional evidence is discovered.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-47. - Reasonable cause determination.

- (a) The administrator shall determine, based on the facts, whether reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur.
- (b) The administrator shall make the determination under subsection (a) of this section not later than the 100th day after the date a complaint is filed unless:
 - (1) It is impractical to make the determination; or
 - (2) The administrator has approved a conciliation agreement relating to the complaint.
- (c) If it is impractical to make the determination within the time period provided by subsection (b) of this section, the administrator shall notify the complainant and respondent in writing of the reasons for the delay.
- (d)

If the administrator determines that reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the administrator shall, except as provided by section 24-49 (land use law), immediately issue a charge on behalf of the aggrieved person.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-48. - Charge.

- (a) A charge issued under section 24-47 (Reasonable Cause Determination):
 - (1) Must consist of a short and plain statement of the facts on which the administrator has found reasonable cause to believe that a discriminatory housing practice occurred or is about to occur;
 - (2) Must be based on the final investigative report; and
 - (3) Need not be limited to the facts or grounds alleged in the complaint.
- (b) Not later than the three (3) days after the Administrator issues a charge, the Administrator shall send a copy of the charge with information concerning the election under Section 24-52 (Election of judicial determination) of this article to:
 - (1) Each respondent, together with a notice of the opportunity for a hearing provided by section 24-54 (administrative hearing); and
 - (2) Each aggrieved person on whose behalf the complaint was filed.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-49. - Land Use Law.

If the administrator determines that the matter involves the legality of a state or local zoning or other land use law or ordinance, the administrator may not issue a charge and shall immediately refer the matter to the city attorney for appropriate action.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-50. - Dismissal.

- (a) If the administrator determines that no reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the administrator shall promptly dismiss the complaint.
 - (1) the administrator shall issue a short and plain written statement of the facts

upon which the no reasonable cause determination is based;

- (2) Dismiss the Complaint;
- (3) Notify each aggrieved person and each respondent of the dismissal and make public disclosure of the dismissal; unless
- (4) The complainant or respondent makes a request that no public disclosure of the dismissal be made.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-51. - Pending Civil Trial.

The administrator may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law or this article seeking relief with respect to that discriminatory housing practice.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-52. - Election of Judicial Determination.

- (a) A complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have the claims asserted in that charge decided in a civil action.
- (b) The election must be made no later than the 20th day after the date of receipt by the electing person of the charge, or, in the case of the administrator not later than the 20th day after the date the charge was issued.
- (c) The person making the election shall give notice to the Commission through the Administrator and to aggrieved persons, all other complainants and respondents to whom the charge relates.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-53. - City Attorney Action For Enforcement.

- (a) If a timely election is made under section 24-52 (Election of Judicial Determination), the administrator upon review by and with the concurrence of the city attorney shall file a civil action on behalf of the aggrieved person in a state district court seeking relief under this section.

- (b) An aggrieved person may intervene in the action.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-54. - Administrative Hearing.

- (a) If a timely election is not made under section 24-52 (Election of Judicial Determination), the commission shall provide for a hearing on the charge. All commissioners, regardless of age, shall participate equally in all aspects of the commission except that members must be eighteen years of age to participate in administrative hearings and enforcement proceedings.
- (b) Except as provided by subsection (c) of this section, the local administrative procedures govern a hearing and an appeal to state district court of a hearing under this section.
- (c) A hearing under this section may not continue regarding any alleged discriminatory housing practice after the beginning of a trial of a civil action commenced by the aggrieved person under this article or federal or state law seeking relief with respect to that discriminatory housing practice.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-55. - Administrative penalties.

- (a) If the commission determines at a hearing under this section that a respondent has engaged in or is about to engage in a discriminatory housing practice, the commission may order the appropriate relief; actual damages (including damages caused by humiliation and embarrassment), reasonable attorney's fees, court costs, and other injunctive or equitable relief.
- (b) To vindicate the public interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed:
 - (1) Eleven thousand dollars (\$11,000.00) if the respondent has not been adjudged by order of the commission; in any administrative hearing under the Fair Housing Act, or any State or local Fair Housing Law, or in any licensing or regulatory proceeding conducted by a Federal, State or local agency or a court to have committed a prior discriminatory housing practice;
 - (2)

Except as provided by subsection (c) of this section, twenty-seven thousand five hundred dollars (\$27,500.00) if the respondent has been adjudged by order of the commission; in any administrative hearing under the Fair Housing Act, or any State or local Fair Housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local agency or a court to have committed one (1) other discriminatory housing practice during the five (5) year period ending on the date of the filing of this charge; and

- (3) Except as provided by subsection (c) of this section, fifty-five thousand dollars (\$55,000.00) if the respondent has been adjudged by order of the Commission; in any administrative hearing under the Fair Housing Act, or any State or local Fair Housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local agency or a court to have committed two (2) or more discriminatory housing practices during the seven (7) year period ending on the date of the filing of the charge.
- (c) If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has been previously adjudged to have committed acts constituting a discriminatory housing practice, the civil penalties in subdivisions (2) and (3) of subsection (b) of this section may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.
- (d) At the request of the administrator and after review and determination by the city attorney that the civil penalty has been assessed pursuant to the commission's authority under this article, the city attorney shall sue to recover a civil penalty under this section. Funds collected under this section shall be paid to the city treasurer for deposit in the general revenue fund.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-56. - Effect of commission order.

- (a) A commission order under section 24-55 (Administrative penalties), does not affect a contract, sale, encumbrance, or lease that:
 - (1) Was consummated before the commission issued the order; and
 - (2) Involved a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed under this article.
- (b) Judicial Review and Enforcement of Final Decision.

- (1) *Petition for review.* Any party adversely affected by a final decision under section 24-55 may file a petition in the appropriate United States Court of Appeals for review of the decision. The petition must be filed within thirty (30) days of the date of issuance of the final decision.
- (2) *No petition for review.* If no petition for review is filed under subsection (a) within forty-five (45) days from the date of issuance of the final decision, the findings of facts and final decision shall be conclusive in connection with any petition for enforcement described under subsection (c) filed thereafter by the city attorney, and in connection with any petition for enforcement described under subsection (d).
- (3) *Enforcement.* Following the issuance of a final decision, the city attorney may petition the appropriate United States Court of Appeals for the enforcement of the final decision and for appropriate temporary relief or restraining order.
- (4) *Enforcement by others.* If before the expiration of sixty (60) days from the date of issuance of the final decision, no petition for review of the final decision has been filed, and the city attorney has not sought enforcement of the final decision as described in paragraph (c) of this section, any person entitled to relief under the final decision may petition the appropriate United States Court of Appeals for the enforcement of the final decision.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-57. - Licensed or regulated businesses.

If the commission issues an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a government agency, the commission shall direct the administrator to not later than the 30th day after the date of the issuance of the order:

- (1) Send copies of the findings and the order to the governmental agency; and
- (2) Recommend to the governmental agency appropriate disciplinary action.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-58. - Order in preceding five years.

If the commission issues an order against a respondent whom another order was issued within the preceding five (5) years under section 24-55 (administrative penalties), the commission shall send a copy of each order issued under that section to the Texas Commission on Human Rights and to the Attorney General for the State of Texas.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-59. - Cooperation with state and federal agencies.

- (a) The commission is encouraged to cooperate with the Secretary of Housing and Urban Development and the Attorney General of the United States in the enforcement of the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, and may assist the Secretary or Attorney General of the United States in any way consistent with the policy of this chapter. The commission is encouraged to cooperate with the Texas Commission on Human Rights in the enforcement of the Texas Fair Housing Act, Ch. 301 Texas Property Code, as amended, and may assist the commission in any way consistent with the policy of this chapter.
- (b) The commission shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, 42 U.S.C. § 3601, et seq., as amended, or by the Texas Commission on Human Rights under the Texas Fair Housing Act, Ch. 301 Texas Property Code, as amended, as a complaint dual filed under this article. No action will be taken under this article against a person for a discriminatory housing practice if the referred complaint was filed with the governmental entity later than one (1) year after an alleged discriminatory housing practice occurred or terminated.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-60. - Civil action.

- (a) An aggrieved person may file a civil action in district court not later than the end of the second (2nd) year after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this article, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.
- (b)

The two (2) year period does not include any time during which an administrative hearing under this article is pending with respect to a complaint or charge under this article based on the discriminatory housing practice. This subsection does not apply to actions arising from a breach of a conciliation agreement.

- (c) Except as otherwise provided in subsections (d) and (e), an aggrieved person may file an action under this section whether or not a complaint has been filed under section 24-40 (Complaint), and without regard to the status of any complaint filed under that section.
- (d) If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file an action under this section with respect to the alleged discriminatory housing practice that forms the basis for the complaint except to enforce the terms of the agreement.
- (e) An aggrieved person may not file an action under this section with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the administrator if the commission has begun a hearing on the record under this article with respect to the charge.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-61. - Intervention by city attorney.

- (a) On request of the administrator and with the concurrence of the city attorney, the city attorney may intervene in an action if the administrator certifies that the case is of general public importance.
- (b) The city attorney may obtain the same relief available under section 24-54 (pattern and practice cases).

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-62. - Pattern and practice cases.

- (a) On the request of the administrator and with the concurrence of the city attorney the city attorney may file a civil action in state district court for appropriate relief if the administrator has reasonable cause to believe that:
 - (1) A person is engaged in a pattern or practice of resistance to the full enjoyment of any right granted by this article; or
 - (2) A person has been denied any right granted by this article and that denial

raises an issue of general public importance.

- (b) In an action under this section the court may:
- (1) Award preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this chapter as necessary to assure the full enjoyment of the rights granted by this chapter;
 - (2) Award other appropriate relief, including monetary damages, reasonable attorney fees, and court costs; and
 - (3) To vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed:
 - a. Fifty thousand dollars (\$50,000.00) for a first violation; and
 - b. One hundred thousand dollars (\$100,000.00) for a second or subsequent violation.
- (c) A person may intervene in an action under this section if the person is:
- (1) A person aggrieved by the discriminatory housing practice; or
 - (2) A party to a conciliation agreement concerning the discriminatory housing practice.
 - (3) Additionally, relief is available to the intervenor. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-63. - Subpoena enforcement.

The city attorney, on behalf of the administrator or other party at whose request a subpoena is issued under this article, may enforce the subpoena in appropriate proceedings in state district court.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-64. - Prevailing party.

The court in a civil action or the commission in an administrative hearing under section 24-54 (Administrative Hearing), may award reasonable attorney's fees to the prevailing party and assess costs against the nonprevailing party.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-65. - Interference, coercion, or intimidation: enforced by civil action

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this section.

(Ord. No. 23411, § 1, 8-18-1998; Ord. No. 23931, § 1, 2-8-2000)

Sec. 24-66. - Criminal Penalty—Intimidation or interference

Whomever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (a) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (b) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - (1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section or
 - (2) Affording another person or class of persons opportunity or protection so to participate; or
- (c) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
- (d) An offense under this section is a Class A Misdemeanor.

(Ord. No. 23931, § 1, 2-8-2000)

Secs. 24-67—24-79. - Reserved.

ARTICLE IV. - DISCRIMINATION IN EMPLOYMENT^[3]

Sec. 24-80. - Declaration of policy.

- (a) It is hereby declared to be the policy of the City of Corpus Christi to bring about through fair, orderly and lawful procedures, the opportunity for each person to obtain employment without regard to race, color, religion, sex, national origin, disability, or age as set forth by the commission on human rights act.
- (b) It is further declared that this policy is grounded upon a recognition of the inalienable rights of each individual to work to earn wages and obtain a share of the wealth of this city through gainful employment; and further that the denial of such rights through considerations based upon race, color, religion, sex, national origin, disability, or age is detrimental to the health, safety and welfare of the inhabitants of the City of Corpus Christi and constitutes an unjust denial or deprivation of such inalienable rights which is within the power and the proper responsibility of government to prevent.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-81. - Definitions.

For purposes of this article the following terms shall have the following meanings:

Because of age or on the basis of age refers only to discrimination because of age or on the basis of age against an individual forty (40) years of age or older as defined by the Texas Commission on Human Rights Act, as amended.

Because of disability or on the basis of disability, in section 24-81 refers to discrimination because of or on the basis of a physical or mental condition that does not impair an individual's ability to reasonably perform a job.

Because of sex or on the basis of sex, includes but is not limited to discrimination because of or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other individuals not so affected but similar in their ability or inability to work.

Bona fide occupational qualification means a qualification that is reasonably related to the satisfactory performance of the duties of a job and for which there is a factual basis for believing that a person of the excluded group would be unable to perform satisfactorily the duties of the job with safety or efficiency.

Disability means a mental or physical impairment that substantially limits at least one major life activity or a record of such a mental or physical impairment. The term does not include:

- (1) A person with a current condition of addiction to the use of alcohol or any drug or illegal or federally controlled substance; or
- (2) A person with a currently communicable disease or infection including but not limited to acquired immune deficiency syndrome or infection with the human immunodeficiency virus, that constitutes a direct threat to the health or safety of other persons or that makes the affected person unable to perform the duties of the person's employment.

Disabled means having a disability.

Employee means an individual employed by an employer including employees subject to the civil service laws of a state government, governmental agency or political subdivision; except that "employee" shall not include any person elected to public office in any state or political subdivision of any state by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate advisor with respect to the exercise of the constitutional or legal powers of public office.

Employer means a person engaged in an industry affecting commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

Employment shall mean any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

Labor organization means a labor organization and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates

of pay, hours, or other terms or conditions of employment; and any conference, general committee, joint or system board, or joint Council so engages which is subordinate to a national or international labor organization.

National origin includes the national origin of an ancestor.

Religion means all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he/she is unable reasonably to accommodate the religious observance or practice of an employee or applicant without undue hardship on the conduct of the employer's business.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-82. - Discrimination in employment; prohibited and permitted acts.

- (a) It shall be an unlawful employment practice for an employer:
 - (1) To fail or refuse to hire or to discharge an individual, or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of race, color, disability, religion, sex, national origin or age; or
 - (2) To limit, segregate, or classify an employee or applicant for employment in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, disability, religion, sex, national origin or age.
- (b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, an individual because of race, color, religion, disability, sex, national origin, or age, or to classify or refer for employment an individual on the basis of race, color, disability, religion, sex, age or national origin.
- (c) It shall be an unlawful employment practice for a labor organization:
 - (1) To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his/her race, color, disability, religion, sex, age or national origin;
 - (2) To limit, segregate, or classify its membership, or applicants for membership or to classify or fail or refuse to refer for employment an individual, in any way which would deprive or end to deprive an individual of employment

opportunities, or would limit such employment opportunities otherwise adversely affect an employee or an applicant for employment, because of race, color, religion, sex, disability, age, or national origin; or

- (3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.
- (d) It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his/her race, color, religion, sex, age, disability, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training or retraining opportunities.
- (e) Notwithstanding any other provision of this article it shall not be an unlawful employment practice:
 - (1) For an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retaining programs to admit or employ any individual in any such program, on the basis of his/her disability, religion, sex, national origin or age in those certain instances where disability, religion, sex, national origin or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and
 - (2) For an educational organization operated, supervised, or controlled in whole or in substantial part, by a religious corporation, association, or society to limit employment or give preference to members of the same religion.
 - (3) For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment under a bona fide seniority system, bona fide merit system, or a bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade this article, or under a system which measures earnings by quantity or quality of production, if those different standards are not discriminatory on the basis of race, color, disability, religion, sex, national origin or age.
 - (4)

For an employer to apply to employees who work in different locations, different standards of compensation, or different terms, conditions, or privileges of employment if those different standards are not discriminatory on the basis of race, color, disability, religion, sex, national origin, or age;

- (5) For an employer to impose minimum or maximum age requirements for peace officers or firefighters.
- (f) It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published a notice or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee indicating a preference, limitation, specification, or discrimination, based on disability, religion, sex, national origin or age, unless disability, religion, sex, national origin or age is a bona fide occupational qualification for employment.
- (g) It shall be an unlawful employment practice for an employer to discriminate against any of his/her employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he/she has opposed any practice made an unlawful employment practice by this article, or because he/she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this article.
- (h) It shall be unlawful for any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful employment practice by this article, or to obstruct or prevent any person from enforcing or complying with the provisions of this article or any rule, regulation or order of the commission, or to attempt directly or indirectly to commit any act declared by this article to be an unlawful employment practice.

- (i) Nothing contained in this article shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this article to grant preferential treatment to any individual or to any group because of the race, color, disability, religion, sex, national origin, or age of that individual or group because an imbalance exists between the total number or percentage of persons of that individual's or group's race, color, disability, religion, sex, national origin, or age employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by an labor organization, or admitted to, or employed in any apprenticeship, on-the-job or other training or retraining program, and the discriminatory practice for a person subject to this article to disability, religion, sex, national origin, or age within the city, or in the available work force within the city. However, it is not a discriminatory practice for a person subject to this article to adopt and carry out an affirmative action plan to eliminate or reduce imbalance with respect to race, color, disability, religion, sex, national origin, or age if the plan has been filed with the commission or any other appropriate agency.

(Ord. No. 23411, § 1, 8-18-1998)

Sec. 24-83. - Enforcement.

- (a) The powers exercised by the city, commission, its officers and employees, except those based on the laws of the State of Texas and the City Charter, are derived by virtue of contract with the Equal Employment Opportunity Commission. In connection with any investigation of a charge filed under this ordinance, the commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that related to unlawful employment practices covered by this article and is relevant to the charge under investigation.
- (b) Every employer, employment agency, and labor organization subject to this article shall:
 - (1) Make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed;
 - (2) Preserve such records for such periods; and
 - (3)

Make such reports therefrom as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this article or the regulations or orders thereunder.

- (c) In prescribing requirements pursuant to subsection (b) of this section, the commission shall consult with other interested state and federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies.
- (d) In any case in which an employer, employment agency, or labor organization fails to comply with the commission's request for inspection of records during investigation, the commission will refer the complaint to the appropriate office of the equal employment opportunity commission.
- (e) The administrator may conduct a conciliation conference in accordance with the commission's rules of procedure, in an attempt to effect a conciliation or resolution of a complaint under this article. Such conference and any action taken by the administrator as a result of the conference shall be in accordance with the provisions of Title VII of the Civil Rights Act of 1964.
- (f) In the event the respondent fails or refuses to comply with any order of the commission or violates any of the provisions of this article, the commission shall certify the case and the entire record of its proceedings to the city attorney who shall invoke the aid of an appropriate court or governmental body to secure enforcement or compliance with the order or to impose the penalties as prescribed by law.

(Ord. No. 23411, § 1, 8-18-1998)

Secs. 24-84—24-89. - Reserved.

ARTICLE V. - DISCRIMINATION AGAINST AN INDIVIDUAL WITH A DISABILITY

Sec. 24-90. - Policy.

- (a) It is the policy of the city that no individual with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity operated or contracted for by the city, provided that such participation does not fundamentally alter the program or activity. The city will make every effort to make a reasonable

accommodation to individuals with a disability, consistent with the requirements of the applicable federal and state laws, and implementing regulations, including the Americans with Disabilities Act.

- (b) It is the policy of the city that all persons and entities receiving financial assistance from the city comply with all applicable civil rights laws and rules, including all of the rules and regulations found in this chapter.
- (c) The city endorses the fundamental purpose behind the Americans with Disabilities Act, which includes the removal of physical and non-physical barriers when readily achievable, where applicable.
- (d) The city further endorses a public policy that businesses within the city's jurisdiction must also comply with the Americans with Disabilities Act, including the removal of physical barriers whenever removal is readily achievable.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-91. - Definitions.

As used in this article, the following words and phrases have the following meanings:

Auxiliary aid includes services or devices such as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, texts on tape, materials in Braille, and large print materials. This list is not exclusive and functional equivalents may be substituted for any auxiliary aid.

Financial assistance means the receipt, from the city, of any specific grant, loan, lease, contract (other than contracts for goods, insurance or guaranty, or services upon payment of full and fair compensation or upon obtaining a lease, license, or use privilege agreement upon payment of fair market value or the payment of fees required by city ordinance), or the use of city personnel or property without the payment of fair market value or full and fair compensation.

Qualified person with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Readily achievable means easily accomplishable and able to be carried out without much difficulty or expense. Determining if barrier removal is readily achievable is, by necessity, a case-by-case judgment. Factors to consider include:

- a. The nature and cost of the action.
- b. The overall financial resources of the site or sites involved; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements necessary for safe operation, including crime prevention measures; or any other impact of the action on the operation of the site.
- c. The geographic separateness and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity.
- d. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities.
- e. If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Reasonable accommodation means any change or adjustment to the service, activity or program for the known physical or cognitive limitations of an otherwise qualified person with a disability unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of the program. Any particular change or adjustment would not be required if, under circumstances involved, it would result in an undue hardship.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-92. - Effect on other governmental entities.

Nothing in this article is intended to apply to any facility or program owned or operated by the federal or state governments or political subdivision of the state.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-93. - General prohibitions against discrimination.

The department of justice's "General prohibitions against discrimination," 28 CFR 35.130, are

adopted by the city and read as follows:

"(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b)(1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entities program;

(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entities program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same state.

(4) A public entity may not, in determining the site or location of a facility, make selections—

(i) That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with

disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

(c) Nothing in this part prohibits a public entity from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

(d) A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.

(g) A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association."

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-94. - Requirements to ensure city facilities, programs, and services are accessible to qualified persons with disabilities.

- (a) No qualified individual with a disability will, because of inaccessibility to or unusability of the city facilities, be denied the benefits of, be denied participation in, or otherwise be subjected to discrimination under any program or service.
- (b) The city will operate its programs and services so that the programs and services, when viewed in their entirety, are readily accessible to qualified individuals with disabilities.
- (c) Each facility or part of a facility designed and constructed by or for the use of the city or persons and entities receiving financial assistance must be designed and constructed in a manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities in compliance with ADA and regulatory standards, including Texas Accessibility Standards of the Architectural Barriers Act.
- (d) Each facility or part of a facility that is altered by, on behalf of, or for the use of the city or persons and entities receiving financial assistance must be altered in a manner that ensures that the facility or part of the facility is readily accessible to and usable by persons with disabilities.
- (e) The city will not provide financial assistance to any entity or program that does not comply with this chapter.
- (f) This subsection does not require that every existing facility or every part of a facility be made accessible to and usable by persons with disabilities.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-95. - Personal devices and services.

- (a)

Nothing required in this article includes, or may be construed to include, a requirement that the city provide to individuals with disabilities personal devices, such as wheelchairs, individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use of study; or services of a personal nature including assistance in eating toileting or dressing.

- (b) Nothing in this article requires the city to fundamentally alter its programs or services.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-96. - Communications.

- (a) The city shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
 - (1) The city shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the city.
 - (2) In determining what type of auxiliary aid and service is necessary the city shall give primary consideration to the requests of the individuals with disabilities.
- (b) The city, and those receiving financial assistance from the city, must provide auxiliary aids and services as reasonable accommodations when they are necessary to ensure effective communication with individuals with hearing, vision, or speech impairments.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-97. - Certificate of compliance for applicants for financial assistance.

All applications for financial assistance from the city must certify on a form provided by the director that the applicant will operate its programs and services in compliance with this article.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-98. - Annual evaluation by city.

- (a) The city will annually:

- (1) Evaluate, with the assistance of interested persons, including people with disabilities or organizations representing persons with disabilities, the city's current policies and practices.
 - (2) Modify, after consultation with interested persons, including persons with disabilities or organizations representing persons with disabilities, any policies that do not meet the requirements of this article.
 - (3) Take, after consultation with interested persons, including persons with disabilities or organizations representing persons with disabilities, appropriate steps to eliminate the effects of any discrimination that results from the failure to adhere to this article.
- (b) The city will maintain on file and make available for public inspection:
- (1) A list of the interested persons consulted.
 - (2) A description of areas examined and any problems identified.
 - (3) A description of any modifications made and of any remedial actions taken.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-99. - Adoption by the city of designated coordinator and grievance procedure.

- (a) The city will designate at least one (1) person to coordinate its efforts to comply with this article.
- (b) The city will adopt grievance procedures that incorporates appropriate due process standards and provides for the prompt and equitable resolution of complaints alleging any action prohibited by this article.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-100. - Nondiscrimination notice regarding individuals with disabilities.

- (a) The city will take appropriate and continuing steps to notify participants, beneficiaries, employees, or applicants, including those with impaired vision or hearing, and unions or professional organizations officially recognized by the city that the city does not discriminate on the basis of disability.
- (b) The notification will include the identification of the individual and department responsible for investigating complaints of discrimination.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-101. - Administration.

- (a) The director will serve as the city's focal point for coordinating the implementation of this article.
- (b) The director will coordinate the implementation of any relevant new and existing laws and ordinances relating to the discrimination against persons with disabilities.
- (c) The director is responsible for:
 - (1) Coordinating the investigation and/or conciliation procedure outlined in section 24-102, and assisting in resolving grievances to assure prompt solutions.
 - (2) Preparing and disseminating information regarding disability rights to the public, city departments, and community agencies.
 - (3) Researching administrative policies and procedures to identify for city management modifications required for accessibility to individuals with disabilities.
 - (4) Monitoring city activities related to individuals with disabilities and conducting periodic compliance reviews to assure that all city departments are providing services that are accessible to individuals with disabilities.
 - (5) Recommending training programs to city departments to assure that city services are available to the disability community.
 - (6) Providing technical assistance and consultation to city departments in areas related to accessibility as defined by law.
 - (7) Assisting in the development of long-range planning activities to accomplish compliance with applicable laws and regulations.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-102. - General enforcement guidelines.

- (a) Any individual who has been discriminated against because of disability may file with the director a request to have the director investigate the complaint of discrimination.
- (b) If the director receives a complaint against an agency of the federal or state governments, or a political subdivision of the state, the director will refer the complainant to the appropriate authority.

- (c) Nothing in this article creates a civil cause of action for damages against the city or precludes any aggrieved person from seeking any other remedy provided by law. Nothing in this article authorizes criminal enforcement of this article against the city, its officers, employees, or agents.
- (d) Filing a complaint with the director is not a prerequisite and does not bar the filing of some other legal complaint or the pursuit of any other remedy provided by law.
- (e) The pendency of a complaint before the director does not bar any aggrieved party from seeking civil action, but a final judgment in any civil action bars any further investigation of a pending complaint on the same alleged act of discrimination.
- (f) In connection with any investigation of a charge filed under this article, the director, or an investigator designated by the director, shall have access to, for the purposes of examination, and the right to copy relevant evidence from any person or entity being investigated. This access to evidence is to be limited by applicable laws governing the investigation of civil rights claims.
- (g) No person may knowingly, intentionally, or recklessly obstruct, or prevent compliance with this article or hinder or interfere with the performance of the proper exercise of a duty, obligation, right, or power of the director, the director's representatives, or other officials with duties, obligations, rights, and powers established by this article.
- (h) Where appropriate, and when not in violation of conflicts of interest or other ethical rules of the State Bar of Texas, the city attorney may assign counsel to assist the director.
- (i) The city manager may make administrative arrangements as are normal and necessary for the functioning of the human relations department.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-103. - Filing and investigating complaints of discrimination against the city.

- (a) Any individual with a complaint that the city has violated this article may file a complaint with the director. The complaint must be filed on a form provided by the director, and must identify the entity or person(s) alleged to have committed the discriminatory practice. In situations where the complainant's disability requires assistance to submit a complaint, the director will make reasonable effort to assist the person in filing a complaint. The director must provide complaint forms and furnish them without charge to any person, upon request.

- (b) All complaints must be filed within one hundred eighty (180) days following the occurrence of an alleged discriminatory practice.
- (c) As soon as practicable, but in no more than fifteen (15) calendar days, the director must meet with the complainant to discuss the complaint and possible resolutions. After investigation and within fifteen (15) calendar days after meeting with the complainant, the director must respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response must explain the position of the city and offer options for substantive resolution of the complaint, if appropriate.
- (d) If the response by the director does not satisfactorily resolve the issue, the complainant may appeal the director's decision to the city manager. The appeal must be filed within fifteen (15) calendar days after receipt of the director's response.
- (e) Within fifteen (15) calendar days of the appeal, the city manager or the city manager's designee must meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the city manager or city manager's designee must respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- (f) All formal complaints received by the director, the responses to the complaints and the record of appeals to the city manager must be retained by the director for at least three (3) years.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-104. - Retaliation and coercion.

- (a) The city and any person or entity receiving financial assistance from the city may not discriminate against any individual because that individual has opposed any act or practice prohibited by this article, or because that individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this article or any applicable law, including the Americans with Disabilities Act of 1990.
- (b) The city and any person or entity receiving financial assistance from the city may not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of the individual having exercised or enjoyed, or on

account of the individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this article or the Americans with Disabilities Act of 1990.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-105. - Remedial or voluntary action.

- (a) If the outcome of an investigation finds that the city has violated this article by discriminating against a qualified person with a disability, the city manager, or designee, will take any remedial or voluntary actions appropriate and necessary to rectify the problem.
- (b) All appeals of a grievance must follow the city's established grievance appeal procedures.
- (c) If the outcome of an investigation finds that a person or entity hired by the city to operate a city program or a person or entity receiving financial assistance from the city has participated in the discrimination, the city manager, or designee, may require the person or entity receiving financial assistance from the city to take appropriate action to rectify the problem.

(Ord. No. 25650, § 8, 2-10-2004)

Sec. 24-106. - City council status reports.

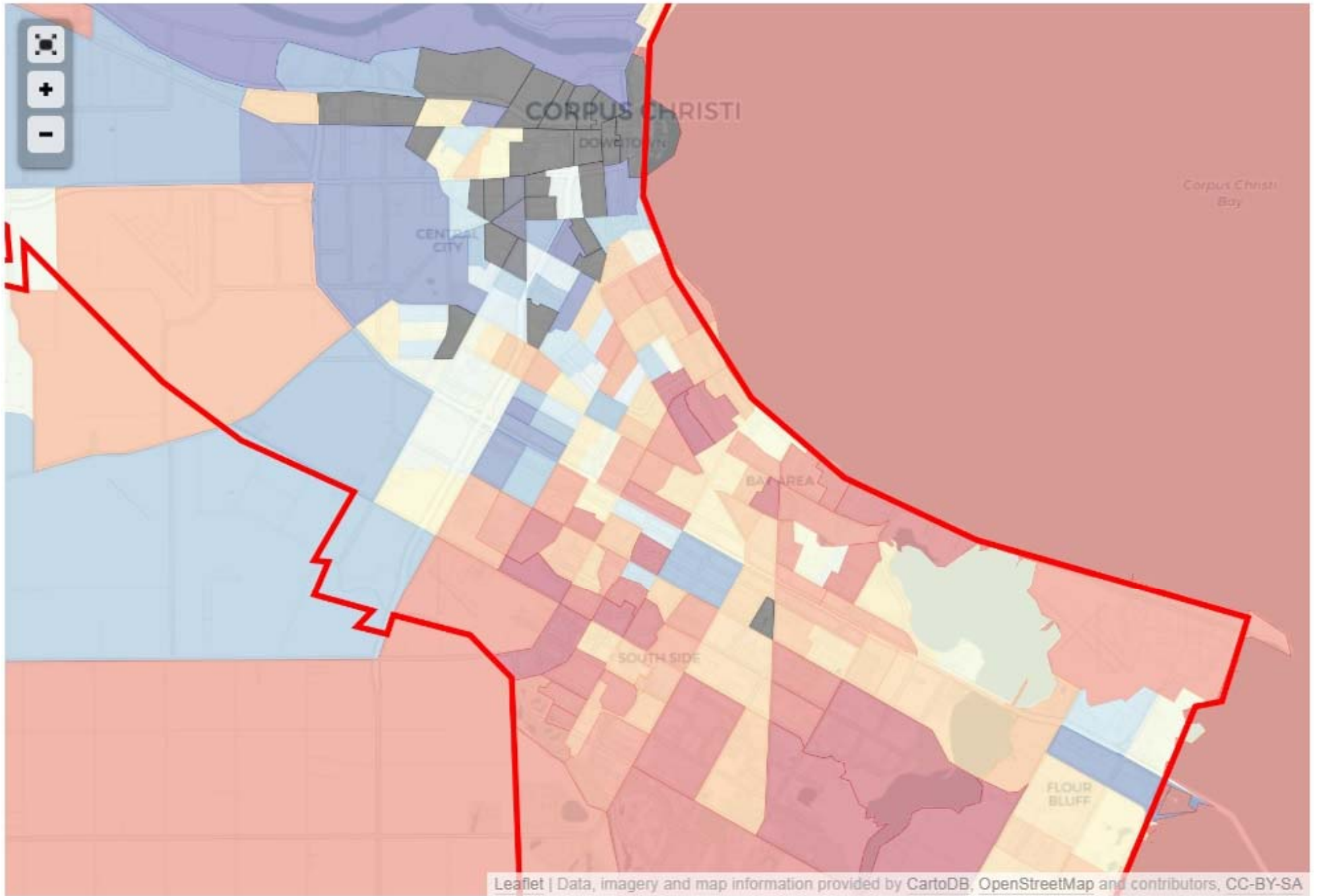
The director shall submit an annual status report to the city council that appraises the council on the implementation of this article.

(Ord. No. 25650, § 8, 2-10-2004)

		Corpus Christi city, Texas
		Total
Subject		Estimate
Total population		320,050
SEX AND AGE		
	ATTACHMENT	
	"H"	
Male		49.3%
Female		50.7%
Median age (years)		34.7
RACE AND HISPANIC OR LATINO ORIGIN		
One race		98.2%
White		86.6%
Black or African American		4.3%
American Indian and Alaska Native		0.5%
Asian		2.0%
Native Hawaiian and Other Pacific Islander		0.1%
Some other race		4.8%
Two or more races		1.8%
Hispanic or Latino origin (of any race)		61.9%
White alone, not Hispanic or Latino		30.8%
DISABILITY STATUS		
Civilian noninstitutionalized population		315,386
With any disability		13.4%
No disability		86.6%
LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH		
Population 5 years and over		297,978
English only		61.9%
Language other than English		38.1%
Speak English less than "very well"		8.8%
POVERTY STATUS IN THE PAST 12 MONTHS		
Population for whom poverty status is determined		312,891
Below 100 percent of the poverty level		16.6%
100 to 149 percent of the poverty level		10.6%
At or above 150 percent of the poverty level		72.7%

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Residents with Income Below Poverty Level

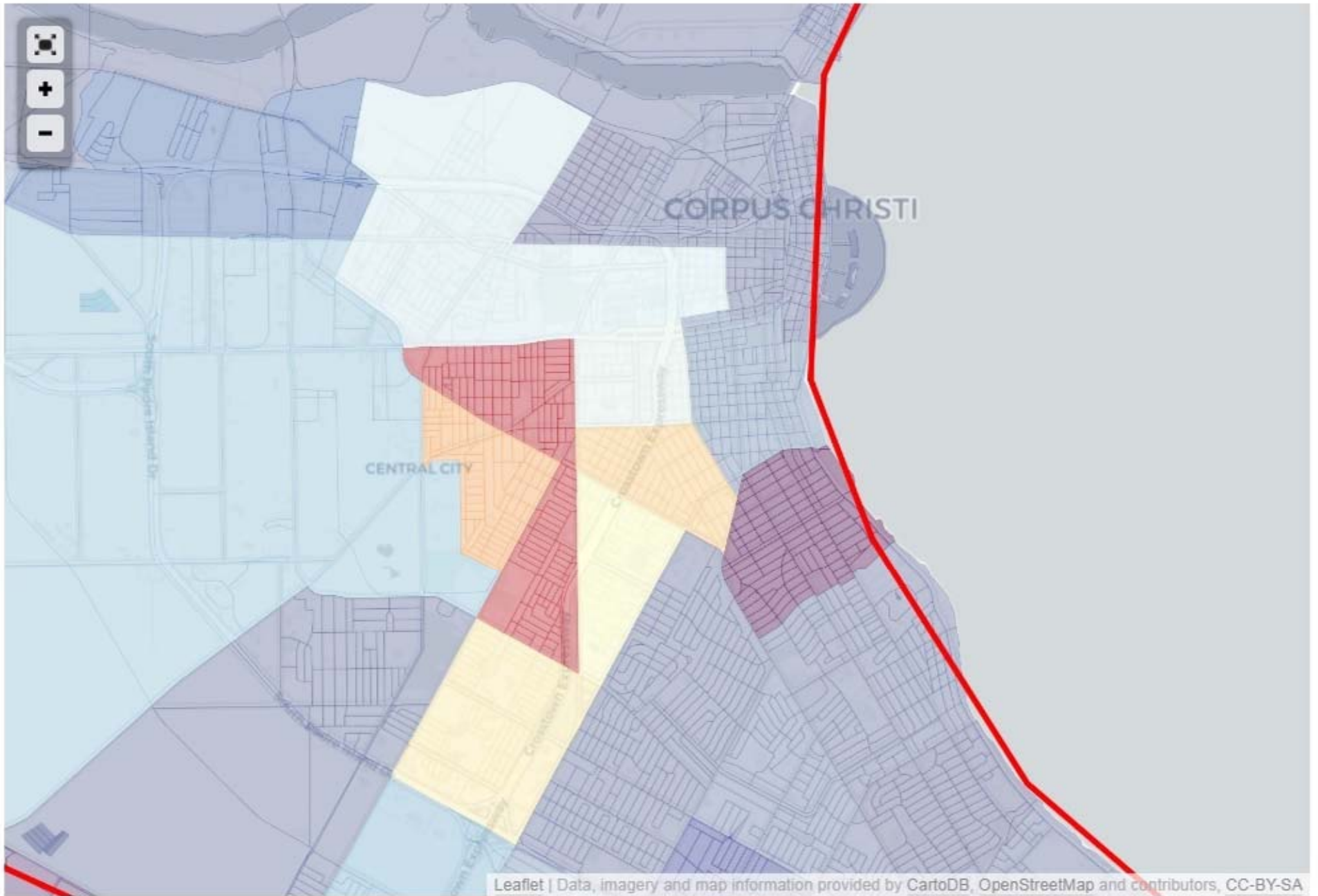


High Income

Low Income



Data: Residents speaking English at home (%)

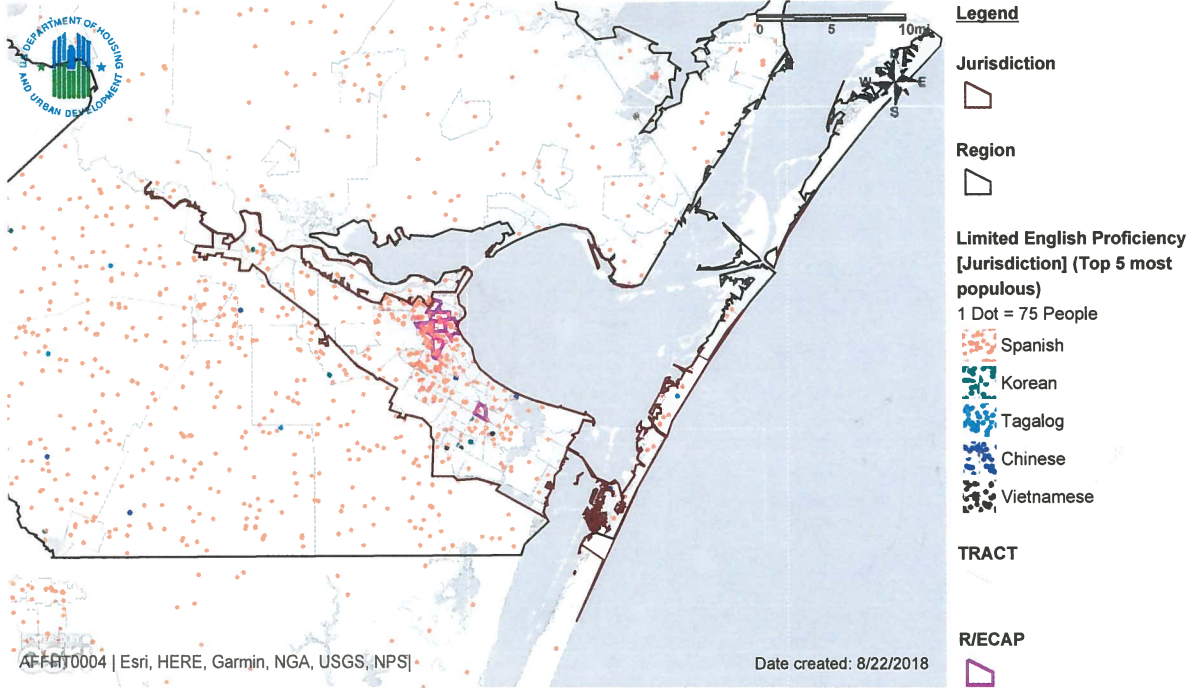


Leaflet | Data, imagery and map information provided by CartoDB, OpenStreetMap and contributors, CC-BY-SA

Based on 2000-2016 data



HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 4 - LEP

Description: LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs

Jurisdiction: Corpus Christi (CDBG, HOME, ESG)

Region: Corpus Christi, TX

HUD-Provided Data Version: AFFHT0004



Public Meetings Procedure

Rev:	0.1
Date:	05/25/18
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Scope

Public Meetings are generally held for large CIP or Bond projects, in particular, Streets projects or any project that will directly affect the public.

Affected Agents/Entities

- Executive Director of Public Works
- Director of Engineering
- Senior Program Manager
- Project Manager
- Public Information Officer – Engineering

ATTACHMENT "1"

Document Outputs

- Exhibits
- Flyers (handouts)
- Letter to residents

Design Input Public Meeting

The Director of Engineering decides which projects will have a public meeting. The Project Manager assigned to the project informs the Engineering Public Information Officer (PIO) that the project is ready for a public meeting. The first meeting is at the 30% Design Review phase.

The PIO sets up a calendar event with the Project Manager and the AE Consultant. The PIO researches venues to hold the public meeting. Typically, a city-owned facility such as a Rec or Senior Citizens Center but occasionally a church is used dependent on price and availability.

The PIO researches venues to hold the public meeting. Typically, a city-owned facility such as a Rec or Senior Citizens Center but occasionally a church is used dependent on price and availability.

The PIO drafts a flyer and a letter that includes the following information:

1. Date, Time and Location of the public meeting
2. Project name and a brief description
3. The public meeting information

The PIO works with an EIT using the ARCGIS program to gather all names and mailing information for the property owners adjacent to the project but not excluding a larger radius, dependent on the project. A typical mailing is less than 500 packets. The mailing data is exported by the EIT to MS Excel spreadsheet.

Engineering Services has a contract with Gateway for printing and mailing services. Gateway needs at least 2-weeks' notice ahead of time to print, stuff envelopes, and mail. The mailing data (in MS Excel) along with the electronic version of the approved flyer and letter in PDF format is sent to Gateway.



Public Meetings Procedure

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The PIO orders envelopes with the Engineering Services Logo from the City's print shop. Once they're printed they are left at the Engineering Services front desk for pickup by Gateway.

Gateway prints, stuffs the envelopes, mails the packets and informs the PIO that they've been sent.

The AE Consultant creates the exhibits to be used at the public meeting. The PIO makes contact with the AE Consultant to see if they will need an easels to display the exhibits or need any other equipment. Typically, PowerPoint presentations are not used.

The PIO creates a City Manager Memo, routes it for signatures and the City Manager adds it to the City Manager Packet, which gets emailed every Monday. The PIO drafts a City Manager Comment, with the same information, to be read at the City Council meeting before the meeting.

The PIO drafts a public notice and takes the public meeting flyer to the City Secretary. The flyer must be posted at least 72 hours before the meeting. The City Secretary's Office then stamps the date/time on the flyer and gives a copy back to the PIO. The City Secretary sends the stamped flyer to all of the City Council members and posts the information to the public notice web page. Note: this step has to be done because if City Council members attend there may be a quorum so the notice must be posted for the public to read.

A few days before the public meeting the PIO posts a News Release on the following social media:

- City Website
- City News Release Email blast
- City Facebook
- City Twitter

The Day Of

The PIO sends out an Outlook Reminder to the following people:

- Executive Director of Public Works
- Director of Engineering
- Senior Program Manager
- Project Manager
- AE Consultant
- Contractor

The PIO takes any requested easels, Sign In sheets, extra flyers, Comment Sheets, and pens to the meeting. The PIO, along with the Project Manager greet the attendees as they arrive and ask them to sign in.



Public Meetings Procedure

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The meeting follows this schedule:

5:30pm – 6:00pm. Open House. Some questions may be asked about the project and may be answered.

6:00pm – 7:00pm. Introductions and presentations

7:00pm – 7:30pm. Question and Answer

The PIO is the timekeeper for public meetings.

The PIO kicks off the meeting, with introductions of relevant team members and then hands the meeting over to the Project Manager. The Project Manager gives a brief overview of the project and then hands to meeting over to the AE Consultant. The AE Consultant describes the exhibits and talks about the project.

The AE Consultant is responsible for taking meeting minutes and capturing input for the design.

After the Question and Answer segment, the PIO thanks everyone for attending the meeting and collects the Comment Sheets.

Once everyone has left, the PIO and any helpers, pack up the room, including taking the Comment Sheets, left over flyers and letters. Engineering Services keeps the exhibits.

The following day, the PIO makes a PDF package of the Flyer, Letter, and Comment Sheets and distributes to the following people electronically:

- Executive Director of Public Works
- Director of Engineering
- Senior Program Manager
- Project Manager
- AE Consultant

The PIO keeps both a hard and soft copy of the file.

Construction Input Public Meeting

The second public meeting for the project is held after the construction contract has been approved by City Council.

The PIO sets up a calendar event with the Project Manager approximately 2-3 weeks after award, which is close to but before the Pre-Construction Meeting.

City of Corpus Christi
Office of Public Works
1201 Leopard Street
Corpus Christi, Texas 78401
(361) 826-3500



Dear Resident or Property Owner,

This letter is to inform you of an upcoming public meeting scheduled as follows:

RSRP Streets Public Meeting
Wednesday, August 15, 2018
5:30 p.m. Open House
6 p.m. Presentation
Lindale Senior Center
3135 Swantner Street

Voters approved funds in November 2016 as part of the Bond election for the city-wide *Residential Street Rebuild Project (RSRP)*. City Council approved the Bond 2016 RSRP work plan in 2017.

The purpose of this public meeting is to present information on the Bond 2016 RSRP streets to be improved in your area. The streets are as follows:

- **Acacia Drive** from Mueller Street to IH 37
- **Belton Street** from Crosstown to Reynosa Street
- **Bolivar Street** from Crosstown to Sarita Street
- **Brock Drive** from Staples Street to Gollihar Road
- **Craig Street** from Brownlee Boulevard to Sixteenth Street
- **Dalraida Drive** from Dakin Place to Carroll Lane

This project in addition to rebuilding streets may include limited improvements to curb and gutter, sidewalks, driveway approaches, and utility adjustments.

A brief project description and time schedule will be presented. The City Project Manager and Design Engineers will be available to answer questions during the public meeting. You are invited to attend the meeting, learn about the project, and offer your comments.

Sincerely,

A handwritten signature in black ink that reads "Andy Leal, P.E." with a stylized flourish at the end.

Andy Leal, P.E.

Director of Street Operations

Notice of Public Hearing

Notice of Availability of Draft Environmental Assessment

PARK ROAD 22

From Whitecap Boulevard to SH 361 (Commodores Drive)

CSJs: 0617-02-064

NUECES COUNTY, TEXAS

The City of Corpus Christi in conjunction with the Texas Department of Transportation (TxDOT) is proposing to construct two bridges (northbound and southbound) on Park Road 22 over a proposed third-party canal between White Cap Boulevard and State Highway 361 (Commodores Drive) in Corpus Christi, Nueces County, Texas. Pursuant to Texas Administrative Code, Title 43, §2.107 and §2.108, this notice is to advise the public that a draft Environmental Assessment (EA) is available for public review and TxDOT will be conducting a public hearing on the proposed project. **The Public Hearing will be held on April 7, 2016 at the Seashore Middle Academy, 15437 South Padre Island Drive, Corpus Christi, Texas 78414.** The purpose of the hearing is to present the planned improvements for Park Road 22 from White Cap Boulevard to State Highway 361 (Commodores Drive), and to receive public comment. Displays will be available for viewing at 6:00 P.M. with the formal hearing commencing at 7:00 P.M.

The existing roadway consists of two travel lanes in each direction with 10 foot outside shoulders, 4-foot inside shoulders and an approximate 34-foot grassy center median. The existing right-of-way (ROW) width is 200-feet. The proposed project consists of constructing two precast bridges for the north and south bound lanes within the existing TxDOT ROW of PR 22. Each of the proposed bridges would be comprised of two 12-foot lanes with 10-foot inside and outside shoulders with one foot railings for an overall bridge width of 46 feet. The 34-foot depressed median would be maintained. The total length of the proposed bridges would be approximately 128 feet. The proposed third-party canal would connect Lake Padre (east of PR 22) with the Padre Isles canal system (west of PR 22). The project also includes associated lighting, striping, railing, traffic control and other items necessary for the completion of the project. The proposed project would result in impacts to potentially jurisdictional wetlands.

The draft EA, maps showing the project location and design, tentative construction schedules, and other information relative to the project are on file and available for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. at the City of Corpus Christi, Engineering Services, located on the 3rd floor of City Hall, 1201 Leopard Street, Corpus Christi, TX 78469. The information is available on the City of Corpus Christi website at www.cctexas.com (keyword "PR 22") and the TxDOT website at www.txdot.gov (keyword "PR 22"). This information will also be available for inspection at the hearing.

All interested citizens are invited to attend this public hearing. Verbal and written comments from the public regarding this project are requested and may be presented at the hearing or for a period of 10 calendar days following the hearing. Written comments may be submitted either in person or by mail to the City of Corpus Christi, Mr. Jeffery H. Edmonds, P.E., Director of Engineering Services, 1201 Leopard Street, Corpus Christi, TX 78469 or by email to JeffreyE@cctexas.com. Comments must be received on or before April 17, 2016 in order to become part of the official hearing record.

The Public Hearing will be conducted in English. Persons interested in attending the hearing who have special communication or accommodation needs, or need an interpreter, are encouraged to contact

Sam Blanco, Senior Environmental Planner, at Raba-Kistner Environmental, Inc., 210-649-3691 or sblanco@rkci.com. Requests should be made at least two days prior to the public hearing. Every reasonable effort will be made to accommodate these needs. If you have general questions or concerns regarding the proposed project, you may contact Project Manager Mr. Chris Hale, P.E. at (361) 826-3807.

Aviso de audiencia pública

Aviso de Disponibilidad del Proyecto de Evaluación Ambiental

Park Road 22

De Whitecap Boulevard a SH 361 (Commodores Drive)

CSJs: 0617-02-064

Condado de Nueces, Texas

La Ciudad de Corpus Christi en conjunto con el Departamento de Transporte de Texas (TxDOT) está proponiendo la construcción de dos puentes (norte y sur) en Park Road 22 sobre un canal de terceros propuesta entre White Cap Boulevard y la carretera estatal 361 (Commodores Drive) en Corpus Christi, Condado de Nueces, Texas. De conformidad con el Código Administrativo de Texas, Título 43, §2.107 y §2.108, este aviso es para notificar al público que un proyecto de Evaluación Ambiental (EA) está disponible para revisión pública y TxDOT estará llevando a cabo una audiencia pública sobre dicho proyecto propuesto. La audiencia pública se llevará a cabo el 7 de Abril, 2016 a la Academia Seashore, ubicada en el 15437 South Padre Island Drive, Corpus Christi, Texas 78414. El propósito de la audiencia es presentar las mejoras previstas para Park Road 22 desde White Cap Boulevard a la carretera estatal 361 (Commodores Drive), y para recibir comentarios del público. Estarán disponibles exhibiciones para su consulta a las 6:00 p.m. mientras que la audiencia formal que comienza a las 7:00 p.m.

El camino existente consta de dos carriles de circulación en cada sentido con acotamiento de 10 pies, 4 pies de acotamiento al interior y un aproximado de 34 pies de camellón con pasto al centro. El carril para dar paso es de 200 pies de ancho. El proyecto propuesto consiste en la construcción de dos puentes prefabricados para los carriles norte y sur con destino dentro del carril de paso de TxDOT sobre PR 22. Cada uno de los puentes propuestos se compone de dos carriles de 12 pies con 10 pies dentro y fuera del acotamiento, con un pie de pasamanos para sumar un total de 46 pies de ancho del puente. El camellón central de 34 pies se mantendría. La longitud total de los puentes propuestos sería de aproximadamente 128 pies. El canal de terceros propuesto conectaría Lake Padre (al este de PR 22) con el sistema de canales Padre Isles (al oeste de PR 22). El proyecto también incluye la iluminación, el rayado, los pasamanos, control de tráfico y otros elementos necesarios para la realización del proyecto. El proyecto propuesto resultaría en impactos potenciales a la jurisdicción de las zonas pantanosas.

Los mapas del proyecto de EA, que muestran la ubicación y diseño del proyecto, los plazos de construcción tentativos, y otra información relativa al proyecto son archivados y disponibles para la inspección de lunes a viernes entre las 8:00 am y las 5:00 pm, en la Ciudad de Corpus Christi, en los Servicios de Ingeniería, ubicada en el 3er piso del Ayuntamiento, 1201 Leopard Street, Corpus Christi, TX 78469. La información está disponible en la página web de la ciudad de Corpus Christi en www.cctexas.com (palabra clave "PR 22") y el sitio web de TxDOT al www.txdot.gov (palabra clave "PR 22"). Esta información también estará disponible para su inspección en la audiencia.

Todos los ciudadanos interesados están invitados a asistir a esta audiencia pública. Se solicita que los comentarios verbales y escritos de los ciudadanos con respecto a este proyecto, se pueden presentar en la audiencia o por un período de 10 días naturales siguientes a la audiencia. Los comentarios escritos pueden ser presentados ya sea en persona o por correo a la ciudad de Corpus Christi, el Sr. Jeffery H.

Edmonds, PE, Director de Servicios de Ingeniería, 1201 Leopard Street, Corpus Christi, TX 78469 o por correo electrónico a JeffreyE@cctexas.com . Los comentarios deben recibirse, a mas tardar en la tarde del 17 abril, 2016 para llegar a ser parte del registro oficial de audiencia.

La audiencia pública se llevará a cabo en Inglés. Las personas interesadas en asistir a la audiencia que tienen necesidades de comunicación o especiales de alojamiento, o la necesidad de un intérprete, se les exhorta a ponerse en contacto con Sam Blanco, Planificador Ambiental, en Raba-Kistner Environmental, Inc., 210-649-3691 o sblanco@rkci.com . Las solicitudes deben hacerse por lo menos dos días antes de la audiencia pública. Se harán todos los esfuerzos razonables para dar cabida a estas necesidades. Si usted tiene preguntas generales o preocupaciones con respecto al proyecto propuesto, puede comunicarse con el Jefe de Proyecto el Sr. Chris Hale, P. E. al (361) 826 a 3807.

The City of Corpus Christi
**BOND 2016 RESIDENTIAL STREET
 REBUILD PROJECT**
 is coming to your neighborhood.

WHAT TO EXPECT

CONSTRUCTION

- Work is expected to begin on your street soon
- Construction on your block is expected to take a few months
- **Preparatory work, including concrete improvements, will be done before any pavement construction starts**
- City utilities may be adjusted
- Dust and noise will be minimized as much as possible

ACCESS

- When detour signs go up, and your street is blocked off, you will not be able to park on the street
- **Do not park on the street between 8 AM and 6 PM, Monday through Friday**
- **Vehicles parked on street during work hours will be towed**
- You will be notified, and parking arrangements will be made if your driveway will be blocked
- Your street will be closed to through traffic at all times, but you will always have access to your home
- Pedestrian access will be provided
- Trash, recycling, and brush pick up will remain on your normal schedule
- For more information about the program: www.ctexas.com or Engineering Services (361) 826-3500.

Bonos del 2016 Para Calles Residenciales de la Ciudad de Corpus Christi
EL PROYECTO DE RECONSTRUCCIÓN

LLEGA A TU VECINDARIO

CONSTRUCCIÓN

- Se espera que el trabajo comience en su calle pronto
- Se espera que la construcción de su cuadra tome unos meses
- **El trabajo secundario, incluidas las mejoras en el concreto, se realizará antes de que comience cualquier construcción de pavimento**
- Las tuberías de servicios de la ciudad pueden ser a justadas
- El polvo y el ruido se minimizarán tanto como sea posible

ACCESO

- Cuando las señales de desvío sean colocadas y tu calle está bloqueada, no podrás edstacionarte en la calle
- **No se estacione en la calle entre las 8 AM y las 6 PM, de lunes a viernes**
- **Los vehículos estacionados en la calle durante las horas de trabajo serán remolcados**
- Se le notificará, y se harán arreglos de estacionamiento si su entrada esta bloqueada
- Su calle estará cerrada al tráfico en todo momento, pero siempre tendrá acceso a su hogar
- Se proporcionará acceso peatonal
- La basura, el reciclaje y la recolección de ramas permanecerán en su horario normal
- Para obtener más información sobre el programa: www.ctexas.com o Engineering Services (361) 826-3500.



The City of Corpus Christi
BOND 2016 RESIDENTIAL STREET
REBUILD PROJECT
is coming to your neighborhood.

NOTICE

ACCESS

- In the next 2 days, your street will be blocked off to through traffic
- **No parking will be allowed on the street between 8 AM and 6 PM, Monday through Friday**
- **Vehicles parked on the street during work hours will be towed**
- You will be notified, and parking arrangements will be made, if your driveway will be blocked
- Your street will be closed to through traffic at all times, but you will always have access to your home.
- Pedestrian access will be provided
- Trash, recycling, and brush pick up will remain on your normal schedule

CONTACTS

- Questions or concerns during construction: City Inspection Office at (361) 826-3555
- ADA accommodations: Human Relations at (361) 826-3190
- For more information about the program: www.cctexas.com or Engineering Services (361) 826-3500.

BONO del 2016 PROYECTO DE
RECONSTRUCCIÓN DE CALLES RESIDENCIALES
de la Ciudad de Corpus Christi viene a su vecindario

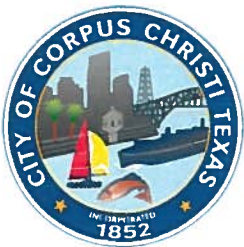
AVISO

ACCESO

- En los próximos 2 días, su calle estará bloqueada al tráfico vehicular
- **No se permitirá estacionarse en la calle de lunes a Viernes entre las 8 AM y las 6 PM**
- **Los vehículos estacionados en la calle durante las horas de trabajo serán remolcados**
- Se le notificará, y se harán arreglos de estacionamiento, si su camino de entrada será bloqueado
- Su calle estará cerrada al tráfico en todo momento, pero siempre tendrá acceso a su hogar.
- Se proporcionará acceso peatonal
- La basura, el reciclaje y la recolección de ramas permanecerán en su horario normal

CONTACTOS

- Preguntas o inquietudes durante la construcción: Oficina de Inspección de la Ciudad al (361) 826-3555
- Adaptaciones ADA: Relaciones Humanas al (361) 826-3190
- Para obtener más información sobre el programa: www.cctexas.com o Engineering Services (361) 826-3500.



Engineering and Street Projects

This page provides access to information on City projects throughout the city and information for upcoming public meeting notices.

Proposed Bond 2018

Upcoming Public Meeting Notices

None at this time

STREET IMPROVEMENT PROJECTS STATUS

Quarterly Engineering Bond and CIP Project Status Report

Information on Select City Projects by District

Bicycle Mobility

TxDOT Project Status Update

Street Project Status Updates

Residential Street Rebuild Program (RSRP)

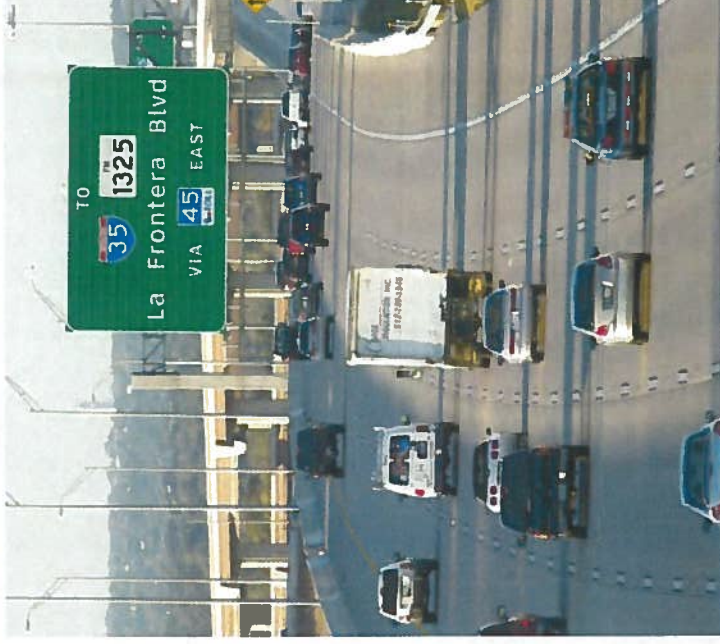
CONTACT

Access services and report problems. Call Center Representatives can assist you Monday through Friday from 7 a.m. to 6 p.m.

The City of Corpus Christi adopted a tax rate that will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 4.69 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$16.87.



TEXAS DEPARTMENT OF TRANSPORTATION



TXDOT PROJECT STATUS UPDATE

Corpus Christi Area

October 21, 2014

Overview

- TxDOT has recently invested over \$175 million in roadway projects in the Corpus Christi area, including
 - \$18.7 million – resurface and restripe major roadways
 - \$13.0 million – safety grade separation
 - \$47.3 million – additional travel lanes
 - \$96.1 million – upgrade to freeway
- Design Build Projects
 - I-69/US 77 (\$78.9 million – ongoing)
 - US 181 Harbor Bridge
- Design projects under development
 - Over \$70 million (2015-2016)
mobility, safety, resurfacing, local, etc.



Resurfacing Projects

- Crosstown Interchange - resurfacing of freeway main lanes
-West Point to Kostoryz on SH 358, Gollihar to Holly on SH 286
Paving completed October 2014
\$4.5 million
- SH 358 - resurfacing of freeway main lanes
- from West Point to IH 37; completed June 2014; \$3 million
- from Ayers to Paul Jones; completed January 2014; \$4.7 million
- PR 22 - resurfacing of freeway main lanes from SH 358 to SH 361
completed July 2014; \$3.2 million
- I-69/US 77, SH 358, FM 624 (various locations)
pavement repair, mill & inlay
completed August 2014; \$1.5 million
- I-37/SH 286, SH 358 (various locations)
mill and inlay
completed September 2014; \$2.8 million



SH 44 Grade Separation

- Construction of overpass at FM 1694 (Callicoatte Road)
- Contractor: Bay, Ltd.
- Construction began September 2013
- Estimated construction completion in Spring 2015
- \$13 million



FM 2444 – Staples Street

- From SH 286 to Oso Parkway
- Construction of 5-lane curb and gutter roadway
- Contractor: Bay, Ltd.
- Awaiting City utility adjustments to begin construction (mid-November)
- Anticipate construction completion in Summer 2017
- \$24.4 million



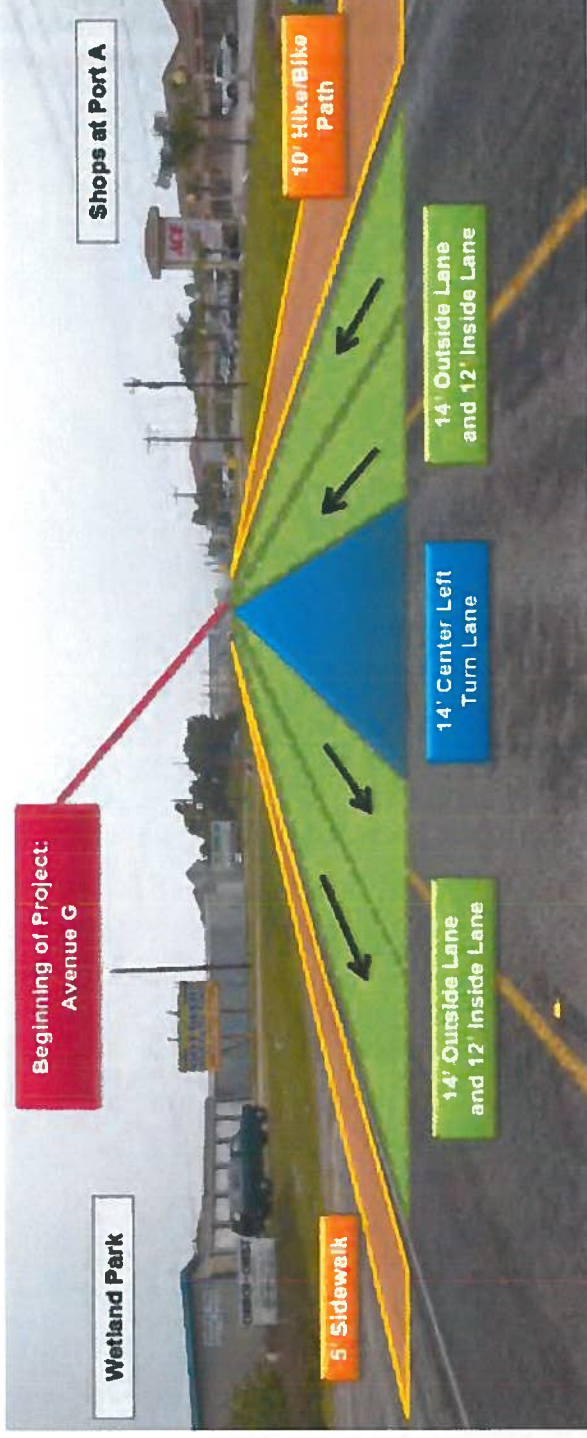
FM 43 – Weber Road

- From SH 286 to Yorktown Boulevard
- Construction of 5-lane curb and gutter roadway
- Contractor: Bay, Ltd.
- Construction began January 2014
- Estimated construction completion in Spring 2015
- \$9.9 million



SH 361

- From Avenue G in Port Aransas to Beach Access 1
- Construction of 4-lane curb and gutter with raised median
- Contractor: Haas-Anderson Construction, Ltd.
- Estimate start of construction on November 1
- Estimate construction completion by the end of 2016
- \$13 million



SH 286

- From SH 357 to South of FM 43
- Extension of freeway section - overpasses at J.C. Elliot landfill and Weber Rd.
- Contractor: Haas-Anderson Construction, Ltd.
- Construction began March 2014
- Estimated construction completion in Summer 2017
- \$45.9 million



I 69 / US 77 Projects – upgrade to Interstate Standards

From SH 44 to FM 892

- Contractor: Haas-Anderson Construction
- Construction began January 2013
- Construction completion expected by the end of 2014
- \$11.3 million

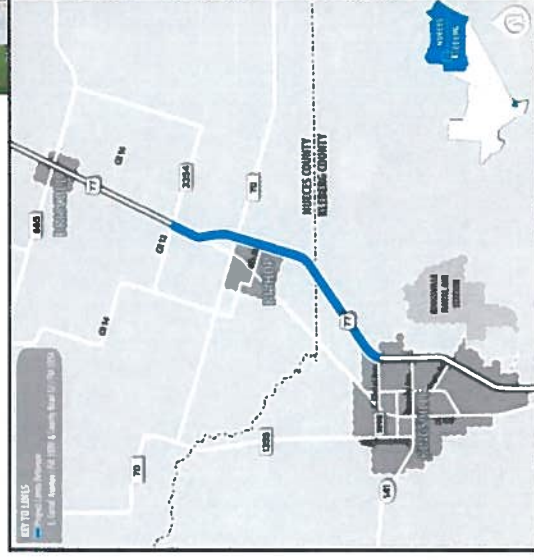


From FM 892 to South of FM 2826

- Contractor: Austin Bridge & Road, Ltd. / Bay, Ltd.
- Construction expected to begin early 2015 - Awaiting clearance of ROW on one parcel
- Construction completion anticipated in Summer 2017
- \$38.9 million

I 69 / US 77 Design Build Project

- Upgrade to Interstate standards
- From FM 3354 to FM 1898
- Contractor: Austin Bridge & Road, Ltd. / Bay, Ltd.
- Construction began in Fall 2013
- Construction completion expected by the end of 2016
- \$78.9 million



US 181 Harbor Bridge

- Anticipate Record of Decision (ROD) in January 2015
- The Final Request for Proposals (RFP) was posted October 2nd Responses are due by February 17, 2015
- Expected to Conditionally Award at the March 2015 Commission Meeting
- Anticipated to receive the Notice to Proceed about 6 months later (construction estimated to begin Fall 2015)
- Estimated construction completion in 2020 (approximately 4 years)



SH 358 Ramp Reversal – Phase II

- Reversal of ramps along South Padre Island Drive (SPID) from Ayers to Airline (Eastbound side)
- Project scheduled to let January 2016
- Anticipate construction to begin Fall 2016
- Estimate construction completion in Spring 2019
- \$38 million (primarily funded thru the MPO)



AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, IN THE CITY OF CORPUS CHRISTI, AUTHORIZING BOND ISSUANCES OF THE CITY SUPPORTED BY AD VALOREM TAXES; PROVIDING FOR THE PROCEDURES FOR HOLDING SUCH AN ELECTION; PROVIDING FOR NOTICE OF ELECTION AND PUBLICATION THEREOF; PROVIDING FOR THE ESTABLISHMENT OF BRANCH EARLY POLLING PLACES; DESIGNATING POLLING PLACE LOCATIONS; AUTHORIZING A JOINT ELECTION WITH NUECES COUNTY; AND ENACTING PROVISIONS INCIDENT AND RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE

* * * * *

WHEREAS, the City Council (the *Council*) of the CITY OF CORPUS CHRISTI, TEXAS (the *City*), located in Nueces, Aransas, Kleberg, and San Patricio Counties, Texas, hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue general obligation bonds of the City in the amounts and for the purposes hereinafter identified (the *Special Election*); and

WHEREAS, the City will conduct the Special Election jointly with Nueces County (the *County*) and with other political subdivisions (such other political subdivisions, collectively, the *Participants*) for whom the County is also conducting their elections, as provided pursuant to the provisions of one or more joint election agreements or contracts among the City, the County, and the Participants, entered into in accordance with the provisions of Section 271.002 of the Texas Election Code, as amended (the *Election Code*), or other applicable law; and

WHEREAS, pursuant to the aforementioned joint election agreement, the County will conduct all aspects of the Special Election on the City's behalf; and

WHEREAS, the Council hereby finds and determines that it is in the best interests of the City to enter into one or more election agreements or contracts with the County and the Participants to conduct the Special Election in accordance with the laws of the State of Texas (the *State*) and applicable federal laws; and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City necessitates that it is in the public interest to call and hold the Special Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, concurrently with the Special Election (and as a joint election with the County and any other Participants), the City will, pursuant to the City Charter of the City and by separate ordinance adopted by the Council on the date hereof, conduct its regular City election for Mayor and members of the Council (along with any necessary runoff election) (such regular election, the *General Election*) in addition to other special elections for measures identified by separate ordinance (the *Other Elections*); and

WHEREAS, after full review and consideration of each project listed under the proposition described below, the Council hereby finds and determines that each project is necessary for a public purpose and is in the best interests of the City and the residents of the City; and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS THAT:

SECTION 1. The Special Election shall be held in the CITY OF CORPUS CHRISTI, TEXAS on the 8th day of November, 2016 (*Election Day*), which is a uniform election date under the Election Code, and is not less than seventy-eight (78) days nor more than ninety (90) days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following proposition (the *Proposition*) to the qualified voters of the City:

PROPOSITION 12

“Shall the City Council of the City of Corpus Christi, Texas be authorized, in accordance with applicable law, to issue and sell one or more series of general obligation bonds of the City, in the aggregate principal amount of not more than \$18,350,000, with such series or issues of bonds, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by applicable law at the time of any such issuance), as shall all be determined within the discretion of the City Council, for the purpose of making permanent public improvements or for other public purposes, to wit: designing, constructing, renovating, improving, constructing, reconstructing, restructuring and extending streets and thoroughfares and related land and right-of-way (including pedestrian and bike traffic lanes), sidewalks, streetscapes, collectors, drainage, landscape, signage, lighting, traffic signals (including networking hardware and software), acquiring lands and rights-of-way necessary thereto or incidental therewith (but specifically excluding related City utility costs, which are the responsibility of the City’s utility system), with priority given to the following street projects:

- Residential Street Rebuild Program
- Americans with Disability Act (ADA) improvements
- Projects receiving external funding for all or part of their costs (including Texas Department of Transportation Participation Projects and Developer Participation Projects under the Unified Development Code)

and in providing for the above public improvements, the City Council shall have the option to (i) utilize other funds available for such purposes, including external funding sources (such as the U.S. Department of Transportation and Texas Department of Transportation, respectively) and (ii) abandon such indicated public improvements that are reliant, in part, on external sources of funding that (for whatever reason) do not materialize or because unforeseen changes in fact or circumstance make the anticipated expenditure no longer wise or necessary (as determined by the City Council), and after making due provision for the improvements listed above or determining that the public improvement project will not proceed for a reason heretofore described, the City Council may, in its discretion, use any excess funds for constructing, reconstructing, restructuring, and extending other streets and thoroughfares and related land and right-of-way sidewalks, streetscapes, collectors, drainage, landscape, signage, equipment storage facilities, acquiring lands and rights-of-way necessary thereto or incidental therewith, including (and with priority given to) residential traffic management program improvements, and street curb and gutter

improvements (but specifically excluding related City utility costs, which are the responsibility of the City's utility system); and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, within the limitations prescribed by law, annual ad valorem taxes on all taxable property in the City sufficient to pay the annual interest and sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

SECTION 2. The City election precincts hereby established for the purpose of holding the Special Election and the polling places hereby designated for holding the Special Election in the City election precincts are identified in Exhibit A to this Ordinance, and this Exhibit A is hereby incorporated by reference into this Ordinance for all purposes. Nueces County participates in the Countywide Polling Place Program under Section 43.007, as amended, Texas Election Code, meaning that any District voter registered in Nueces County can vote in the Election at any polling place identified in Exhibit A for Nueces County.

At least seventy-nine (79) days prior to Election Day, or as soon as thereafter is reasonably practicable, the City Secretary, or her designee, in coordination with the County's election official (the *Election Official*) or the designee thereof, as necessary or desirable, will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Special Election, together with any other necessary changes to election practices and procedures and can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times agreed upon by the Election Official, the City, and the Participants to the extent permitted by applicable law.

The Presiding Judge shall appoint not less than two (2) resident qualified voters of the County to act as clerks in order to properly conduct the Special Election. To the extent required by the Election Code or other applicable law, the appointment of these clerks must include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on Election Day. If the Presiding Judge appointed actually serves, the Alternate Presiding Judge shall serve as one of the clerks. In the absence of the Presiding Judge, the Alternate Presiding Judge shall perform the duties of the Presiding Judge of the election precinct.

On Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

The main early voting location is designated in Exhibit B to this Ordinance (which is hereby incorporated herein by reference for all purposes). The individual named as the Early Voting Clerk as designated in Exhibit B is hereby appointed as the Early Voting Clerk to conduct such early voting in the Special Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in Exhibit B. Early voting shall commence as provided on Exhibit B and continue through the date set forth on Exhibit B, all as provided by the provisions of the Election Code.

Additionally, permanent and temporary branch offices for early voting by personal appearance shall be established and maintained in accordance with the Election Code. The locations, dates, and hours of operation for early voting at these offices (being the permanent and temporary branch offices) shall be determined by the Election Official, as identified in Exhibit B hereto.

An Early Voting Ballot Board is hereby established for the purpose of processing early voting results. The individual designated in Exhibit B as the Presiding Judge of the Early Voting Ballot Board is hereby appointed the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge shall appoint

not less than two (2) resident qualified voters of the County to serve as members of the Early Voting Ballot Board.

SECTION 3. The eSlate direct recording equipment (*DRE*) shall be employed at each of the polling locations utilized for the Special Election in accordance with the Election Code; provided, however, in the event the use of such eSlate DRE is not practicable, the Special Election may be conducted on Election Day by the use of paper ballots (except as otherwise provided in this section). eSlate DRE or paper ballots may be used for early voting by personal appearance (except as otherwise provided in this section). Pursuant to Section 61.012 of the Election Code, the City shall provide at least one accessible voting system in each polling place used in the Special Election. Such voting system shall comply with State and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Paper ballots, touch screen voting machines, and/or such other legally-permissible voting methods may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail.

SECTION 4. The City shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq. of the Election Code. The Election Official, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Election Code. The Council hereby appoints the Election Official, or the designee thereof, as the Tabulation Supervisor and the Election Official, or her designee, as the Programmer for the Station. Lastly, the Election Official will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Election Code.

SECTION 5. The official ballot shall be prepared in accordance with the Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION 12

The issuance of bonds for designing, constructing, renovating, and making permanent street, sidewalk, and drainage, and any related improvements in the aggregate principal amount not to exceed \$18,350,000, and levying a tax in payment thereof, with priority given to the following:

- Residential Street Rebuild Program
- Americans with Disability Act (ADA) improvements
- Projects receiving external funding for all or part of their costs (including Texas Department of Transportation Participation Projects and Developer Participation Projects under the Unified Development Code)

SECTION 6. In accordance with Section 52.072(c) of the Election Code, the Proposition shall appear on the City’s ballot after the listing of offices that are the subject of the General Election and the measures that are the subjects of the Other Elections.

SECTION 7. The voter-approved bonds issued pursuant to the Proposition above shall be secured by and payable from the full tax rate authorized by Texas Constitution, in accordance with Article VIII, Section 1(b) of the City Charter.

SECTION 8. All resident qualified voters of the City shall be permitted to vote at the Special Election, and on Election Day, such voters shall vote at the designated polling places. The Special Election shall be held and conducted in accordance with the provisions of the Election Code and Chapters 1251 and 1331, as amended, Texas Government Code (collectively, the *Election Laws*), and as may be required by any other law. All materials and proceedings relating to the Special Election shall be printed in both English and Spanish.

SECTION 9. A substantial copy of this Ordinance shall serve as a proper notice of the Special Election. This notice, including a Spanish translation thereof, shall be posted (i) at three (3) public places within the City and at the City Hall not less than twenty-one (21) days prior to Election Day and (ii) in a prominent location at each polling place on Election Day and during early voting and shall be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to Election Day. In addition, during the twenty-one (21) days prior to Election Day, the City shall, in a prominent manner, maintain such notice on its Internet website. The City Secretary is directed to post and publish such Special Election notices as specified above and as required by the Election Laws.

SECTION 10. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Texas Election Code, added by the 83rd Texas Legislature, the City, as of its fiscal year beginning October 1, 2015, had outstanding an aggregate ad valorem tax-supported principal amount of debt equal to \$523,910,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$189,736,856; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.229458 per \$100 of taxable assessed valuation. Of the aforementioned City debt, the City considers \$103,794,050 and \$34,298,145 of that principal and interest, respectively, to be self-supporting debt payable from sources other than ad valorem taxes. The City estimates an ad valorem debt service tax rate of \$0.229458 per \$100 of taxable assessed valuation if the bonds that are subject of the Special Election are approved and are issued (taking into account the outstanding City bonds and bonds that are the subject of the Special Election, but not future bond authorizations of the City). This is only an estimate provided for Texas statutory compliance and does not serve as a cap on any City ad valorem debt service tax rate.

SECTION 11. The Council hereby appoints the City Secretary as the authority and officer responsible for the conduct of the Special Election and is hereby authorized and directed to make all necessary arrangements for the holding of the Special Election in accordance with the Elections Laws, which obligations include (but are not limited to) coordinating the Special Election process and negotiating, entering into, and carrying out the terms and provisions of one or more joint election agreements or contracts with the County and any Participants in accordance with the provisions of the Election Code. To the extent that any duty or obligation of the City, in general, or the City Secretary, in particular, is properly delegated to the County pursuant to a joint election agreement, then the County's carrying out those duties and obligations on the City's behalf pursuant to the terms of such joint election agreement shall be binding upon the City and are hereby determined by the Council to be evidence of the City's compliance with the provisions of the Election Laws relative to the same.

In addition, the City Manager and the City Secretary, individually or in concert and as necessary or desired, are hereby authorized and entitled to make such technical modifications to this Ordinance that are necessary for compliance with applicable State or federal law (including the Election Laws) or to carry out the intent of the Council, as evidenced herein.

SECTION 12. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 13. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 14. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 15. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 16. It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 17. This Ordinance shall be in force and effect from and after its final passage, and it is so ordained.

YOU WILL, THEREFORE, take notice of all the matters and facts set out in the foregoing Notice of Election.

//s// Rebecca Huerta

City Secretary
City of Corpus Christi , Texas

* * *

EXHIBIT A

ELECTION PRECINCTS AND ELECTION DAY POLLING LOCATIONS

Election Day: Tuesday, November 8, 2016

Election Day Polling Locations open from 7:00 a.m. to 7:00 p.m.

Polling Place	Address	City
Antonio Garcia Arts & Education Center	2021 Agnes Street	Corpus Christi
Baker Middle School	3445 Pecan Street	Corpus Christi
Banquete ISD	4339 Fourth Street	Banquete
Ben Garza Gym	1815 Howard Street	Corpus Christi
Bishop Primary School	705 W. Main Street	Bishop
Bishop High School	100 Badger Lane	Bishop
Blanche Moore Elementary	6121 Durant Drive	Corpus Christi
Brooks A.M.E. Worship Center	2101 N. Port Avenue	Corpus Christi
Calallen East Elementary	3709 Lott Avenue	Corpus Christi
Calallen Middle School	4602 Cornett Road	Corpus Christi
Cimarron Senior Apartments	2802 Cimarron Boulevard	Corpus Christi
Club Estates Elementary	5222 Merganser Drive	Corpus Christi
Cullen Middle School	5224 Greely Drive	Corpus Christi
Cunningham Middle School	4321 Prescott Street	Corpus Christi
David Berlanga Community Center	1513 2nd Street	Agua Dulce
David Crockett Elementary	2625 Belton Street	Corpus Christi
Deaf and Hard of Hearing Center	5151 McArdle Road	Corpus Christi
Del Mar College	101 Baldwin Boulevard	Corpus Christi
Driscoll ISD	410 W. Avenue D	Driscoll
Driscoll Middle School	3501 Kenwood Drive	Corpus Christi
Ella Barnes Elementary	2829 Oso Parkway	Corpus Christi
Ethel Eyerly Community Center	654 Graham	Corpus Christi
Fannin Elementary	2730 Gollihar Road	Corpus Christi
Fire Station #7	3722 S. Staples Street	Corpus Christi
Fire Station #9	501 Navigation Boulevard	Corpus Christi
Fire Station #11	910 Airline Road	Corpus Christi
Fire Station #12	2120 Rand Morgan Road	Corpus Christi
Flour Bluff ISD (Maintenance Building)	2505 Waldron	Corpus Christi
Galvan Elementary	3126 Masterson Drive	Corpus Christi
Gibson Elementary	5723 Hampshire Road	Corpus Christi
Gloria Hicks Elementary	3602 McArdle Road	Corpus Christi
Grace Presbyterian Church	6301 Yorktown Boulevard	Corpus Christi
Grant Middle School	4350 Aaron Drive	Corpus Christi
Hamlin Middle School	3900 Hamlin Drive	Corpus Christi
Harold T. Branch Academy	3902 Morgan Street	Corpus Christi
Hilltop Community Center	11425 Leopard Street	Corpus Christi
Island Presbyterian Church	14030 Fortuna Bay Drive	Corpus Christi
John F. Kennedy Elementary	1102 Villarreal Road	Corpus Christi
Johnny Calderon County Building	710 E. Main Street	Robstown
Keach Family Library	1000 Terry Shamsie	Robstown
King High School	5225 Gollihar Road	Corpus Christi

Polling Place	Address	City
Kiwanis Recreation Center	3933 Timon Boulevard	Corpus Christi
Kolda Elementary	3730 Rodd Field	Corpus Christi
Korean Presbyterian Church	4326 McArdle Road	Corpus Christi
Kostoryz Elementary	3602 Panama Drive	Corpus Christi
La Retama Central Library	805 Comanche Street	Corpus Christi
Lindale Senior Center	3135 Swanther Drive	Corpus Christi
London ISD Middle/High School	1306 FM 43	Corpus Christi
Lotspeich Elementary	1000 Ruben Chavez Road	Robstown
LULAC West Apartments	10702 IH 37	Corpus Christi
Luther Jones Elementary	7533 Lipes Boulevard	Corpus Christi
Magee Elementary	4201 Calallen Drive	Corpus Christi
Menger Elementary	2401 S. Alameda Street	Corpus Christi
Metro E Elementary	1707 Ayers Street	Corpus Christi
MG Building Materials	7406 S. Padre Island Drive	Corpus Christi
Mireles Elementary	7658 Cimarron Boulevard	Corpus Christi
Montclair Elementary	5241 Kentner Street	Corpus Christi
Moody High School	1818 Trojan Drive	Corpus Christi
Nueces County ESD #4	5781 FM 666	Robstown
Oak Park Recreation Center	842 Erwin Avenue	Corpus Christi
Our Lady of Mount Carmel Mission	1080 S. Clarkwood Road	Corpus Christi
Oveal Williams Senior Center	1414 Martin Luther King Drive	Corpus Christi
Parkway Presbyterian Church	3707 Santa Fe Street	Corpus Christi
Peerless Cleaners	2802 Santa Fe Street	Corpus Christi
Petronila Elementary	2391 County Road 67	Robstown
Port Aransas Community Center	408 North Alister	Port Aransas
River Hills Baptist Church	16318 FM 624	Robstown
Robert Driscoll Elementary	122 W. Avenue H	Robstown
Ronnie H. Polston County Building	10110 Compton Road	Corpus Christi
Rose Shaw Elementary	2920 Soledad Street	Corpus Christi
Saint John's Baptist Church	5445 Greenwood Drive	Corpus Christi
San Pedro Elementary	800 W. Avenue D	Robstown
Schanen Estates Elementary	5717 Killarmet Drive	Corpus Christi
Schlitterbahn	14353 Commodores Drive	Corpus Christi
Scott Veters Scout Hut	3221 McKinzie Road	Corpus Christi
Smith Elementary	6902 Williams Drive	Corpus Christi
South Park Middle School	3001 McArdle Road	Corpus Christi
St. Anthony Violet Catholic Church	3918 County Road 61	Robstown
T.G. Allen Elementary	1414 18th Street	Corpus Christi
The People's Baptist Church	1355 FM 665	Corpus Christi
Tom Browne Middle School	4301 Schanen Boulevard	Corpus Christi
Travis Elementary	3210 Churchill Dr.	Corpus Christi
Tuloso-Midway High School	2653 McKinzie Road	Corpus Christi
Tuloso-Midway Middle School	9768 LaBranch Street	Corpus Christi
Valencia Hall	6110 Ayers Street	Corpus Christi
Veteran's Memorial High School	3750 Cimarron	Corpus Christi
Villa of Corpus Christi - South	4834 Yorktown Boulevard	Corpus Christi
West Oso Junior High School	5202 Bear Lane	Corpus Christi

Polling Place	Address	City
Windsor Park Athena School	4525 S. Alameda Street	Corpus Christi
Woodlawn Elementary	1110 Woodlawn Drive	Corpus Christi
Yeager Elementary	5414 Tripoli Dr.	Corpus Christi
Zavala Senior Center	510 Osage Street	Corpus Christi

(Nueces County participates in the Countywide Polling Place program under Section 43.007, as amended, Texas Election Code)

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EXHIBIT B

EARLY VOTING

Early voting begins Monday, October 24, 2016 and ends on Friday, November 4, 2016.

Early Voting Clerk: Kara Sands

Early Voting Clerk’s physical address: 901 Leopard Street, Corpus Christi, Texas 78401

Presiding Judge of the Early Voting Ballot Board: to be determined by Kara Sands

Any voter entitled to vote an early ballot by personal appearance may do so at any Early Voting Site.

Main Early Voting Polling Place, Dates & Times

Nueces County Courthouse
1st Floor Atrium
901 Leopard
Corpus Christi, Texas 78401

Dates

Monday, October 24, 2016 – Friday, October 28, 2016

Saturday, October 29, 2016

Sunday, October 30, 2016

Monday, October 31, 2016 – Friday, November 4, 2016

Times

8:00 a.m. – 5:00 p.m.

7:00 a.m. – 7:00 p.m.

12:00 noon – 5:00 p.m.

7:00 a.m. – 7:00p.m.

Permanent Branch Polling Places, Dates & Times

Polling Place	Address	City
Bishop Community Center	102 W. Joyce Street	Bishop
Calallen ISD, Admin Building <i>(closed 10/30)</i>	4205 Wildcat Drive	Corpus Christi
Corpus Christi City Hall, 1st Floor Utility Section <i>(closed 10/29 and 10/30)</i>	1201 Leopard Street	Corpus Christi
Corpus Christi Christian Fellowship <i>(closed 10/29 and 10/30)</i>	6602 S. Staples Street	Corpus Christi
Corpus Christi ISD, Admin Building <i>(closed 10/29 and 10/30)</i>	801 Leopard Street	Corpus Christi
Deaf and Hard of Hearing Center	5151 McArdle Road	Corpus Christi
Del Mar College, Heldenfels Admin Building	101 Baldwin	Corpus Christi
Ethel Eyerly Senior Center	654 Graham Road	Corpus Christi
Flour Bluff ISD, Maintenance Building <i>(closed 10/29 and 10/30)</i>	2505 Waldron Road	Corpus Christi
Greenwood Senior Citizens Center	4040 Greenwood Drive	Corpus Christi
Hilltop Community Center	11425 Leopard Street	Corpus Christi
Johnny S. Calderon County Building	710 E. Main Street	Robstown
Petronila Elementary, Cafeteria <i>(closed 10/24 – 10/26 and 10/30)</i>	2391 Co. Road 67	Robstown
Port Aransas Community Center	408 N. Alister Street	Port Aransas
Robstown City Hall <i>(closed 10/30)</i>	101 East Main	Robstown
Robstown ISD, Admin Building <i>(closed 10/29 and 10/30)</i>	801 N. First Street	Robstown

Schletterbahn	14353 Commodores Drive	Corpus Christi
Tuloso Midway ISD, Admin Building <i>(closed 10/29 and 10/30)</i>	9768 La Branch Street	Corpus Christi
Valenica Hall	6110 Ayers Street	Corpus Christi
Veterans Memorial High School	3750 Cimarron Boulevard	Corpus Christi
West Oso ISD, Admin Building <i>(closed 10/30)</i>	5050 Rockford Drive	Corpus Christi

Dates

Times

Monday, October 24, 2016 – Friday, October 28, 2016
 Saturday, October 29, 2016
 Sunday, October 30, 2016
 Monday, October 31, 2016 – Friday, November 4, 2016

8:00 a.m. – 5:00 p.m.
 7:00 a.m. – 7:00 p.m.
 12:00 noon – 5:00 p.m.
 7:00 a.m. – 7:00p.m.

Temporary Branch Polling Places, Dates & Times

Corpus Christi Army Depot, Building 8
 308 Crecy Street
 Corpus Christi, Texas

Dates

Times

Monday, October 24, 2016 – Tuesday, October 25, 2016
 Wednesday, November 2, 2016 – Thursday, November 3, 2016

8:00 a.m. – 5:00 p.m.
 7:00 a.m. – 7:00 p.m.

TAMU-CC
 University Center, Legacy Hall Room 124
 6300 Ocean Drive
 Corpus Christi, Texas

Dates

Times

Wednesday, October 26, 2016 – Thursday, October 27, 2016
 Monday, October 31, 2016 – Tuesday, November 1, 2016

8:00 a.m. – 5:00 p.m.
 7:00 a.m. – 7:00 p.m.

Banquete ISD Admin Building
 4339 Fourth Street
 Banquete, Texas

Dates

Times

Thursday, October 27, 2016 – Friday, October 28, 2016
 Monday, October 31, 2016 – Tuesday, November 1, 2016

8:00 a.m. – 5:00 p.m.
 7:00 a.m. – 7:00 p.m.

David Berlanga Community Center
 1513 2nd Street
 Agua Dulce, Texas

Dates

Times

Friday, October 28, 2016
 Saturday, October 29, 2016
 Thursday, November 3, 2016 – Friday, November 4, 2016

8:00 a.m. – 5:00 p.m.
 7:00 a.m. – 7:00 p.m.
 7:00 am. – 7:00 p.m.

London ISD High School
1306 FM 43
Corpus Christi, Texas

Dates

Monday, October 31, 2016 – Tuesday, November 1, 2016

Times

7:00 a.m. – 7:00 p.m.

Early Voting By Mail

Applications for voting by mail should be received no later than the close of business (5:00 p.m.) on Friday, October 28, 2016. Applications should be sent to:

Kara Sands, County Clerk
Nueces County, Texas
P.O. Box 2627
Corpus Christi, Texas 78403
email: nueces.countyelections@nuecesco.com

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UNA ORDENANZA PARA ORDENAR UNA ELECCIÓN ESPECIAL QUE SE LLEVARÁ A CABO EL 8 DE NOVIEMBRE DE 2016, EN LA CIUDAD DE CORPUS CHRISTI, QUE AUTORIZA EMISIONES DE BONOS DE LA CIUDAD RESPALDADOS POR IMPUESTOS AD VALOREM; DISPONE LOS PROCEDIMIENTOS PARA CELEBRAR UNA ELECCIÓN DE ESE TIPO; DISPONE EL AVISO DE ELECCIÓN Y LA PUBLICACIÓN DEL MISMO; DISPONE EL ESTABLECIMIENTO DE SEDES DE VOTACIÓN ANTICIPADA; DESIGNA LUGARES DE VOTACIÓN; AUTORIZA UNA ELECCIÓN CONJUNTA CON EL CONDADO DE NUECES; Y PROMULGA DISPOSICIONES INCIDENTALES Y RELATIVAS AL TEMA Y AL OBJETIVO DE ESTA ORDENANZA

EN VISTA DE QUE el Concilio Municipal (el *Concilio*) de la CIUDAD DE CORPUS CHRISTI, TEXAS (la *Ciudad*), ubicada en los Condados de Nueces, Aransas, Kleberg y San Patricio, Texas, por la presente halla y determina que se debería celebrar una elección para determinar si se debe autorizar al Concilio a emitir bonos de obligación general de la Ciudad por las cantidades y con los objetivos de aquí en adelante identificados en la presente (la *Elección Especial*); y

EN VISTA DE QUE la Ciudad celebrará la Elección Especial de manera conjunta con el Condado de Nueces (el *Condado*) y con otras subdivisiones políticas (dichas otras subdivisiones políticas, en su conjunto, los *Participantes*) para las cuales el Condado también realiza sus elecciones, conforme a las disposiciones de uno o más convenios o contratos de elecciones conjuntas entre la Ciudad, el Condado y los Participantes, en los que se participará de acuerdo con las disposiciones de la Sección 271.002, y sus enmiendas, del Código Electoral de Texas (el *Código Electoral*), u otra ley pertinente; y

EN VISTA DE QUE, en conformidad con el convenio de elección conjunta mencionado antes, el Condado celebrará todos los aspectos de la Elección Especial en nombre de la Ciudad; y

EN VISTA DE QUE por el presente, el Concilio halla y determina que es para el mayor beneficio de la Ciudad participar en uno o más convenios o contratos de elección con el Condado y los Participantes para llevar a cabo la Elección Especial de acuerdo con las leyes del Estado de Texas (el "*Estado*") y las leyes federales aplicables; y

EN VISTA DE QUE el Concilio por la presente halla y determina que la necesidad de construir diversas mejoras de capital dentro de la ciudad requiere que sea de interés público convocar y celebrar la Elección Especial en la primera fecha posible para autorizar la emisión de bonos de obligación general para los fines identificados de aquí en adelante; y

EN VISTA DE QUE, concurrentemente con la Elección Especial (y como una elección conjunta con el Condado y cualquier otro Participante), la Ciudad celebrará, en conformidad con la Carta Orgánica de la Ciudad de la Ciudad y por ordenanza separada adoptada por el Concilio en la fecha de la presente, su elección municipal ordinaria para Alcalde y miembros del Concilio (junto con cualquier elección de segunda vuelta necesaria) (elección ordinaria de ese tipo, la *Elección General*) además de otras elecciones especiales para medidas identificadas por ordenanza separada (las *Otras Elecciones*); y

EN VISTA DE QUE, después de una revisión completa y consideración de cada proyecto enumerado bajo la proposición descrita abajo, el Concilio por la presente halla y determina que cada

proyecto es necesario para un fin público y es en el mejor interés de la Ciudad y los residentes de la Ciudad; y

EN VISTA DE QUE el Concilio por el presente halla y determina que las acciones descritas hasta aquí son para el mayor beneficio de los residentes de la Ciudad; ahora, por lo tanto,

EL CONCILIO MUNICIPAL DE LA CIUDAD DE CORPUS CHRISTI, TEXAS, DECRETA:

SECCIÓN 1. La Elección Especial se celebrará en la CIUDAD DE CORPUS CHRISTI, TEXAS, el 8 de noviembre de 2016 (*Día de Elección*), fecha de elección uniforme según el Código Electoral y que no es menos de setenta y ocho (78) días ni más de noventa (90) a partir de la fecha de adopción de esta ordenanza (la *Ordenanza*), con el fin de presentar la siguiente proposición (la *Proposición*) ante los votantes habilitados de la Ciudad:

PROPOSICIÓN 12:

“¿Se deberá autorizar al Concilio Municipal de la Ciudad de Corpus Christi, Texas, en conformidad con la ley pertinente, a emitir y vender una o más series de bonos de obligación general de la Ciudad, en la cantidad total de capital de no más de \$18,350,000, con tales series o emisiones de bonos, respectivamente, para vencer en serie o de otro modo en un plazo que no supere los cuarenta años de su fecha y para ser vendidos a ciertos precios y devengar interés a ciertas tasas (ya sean fijas, flotantes, variables o de otro tipo, pero en ningún caso a una tasa que supere la tasa máxima por año autorizada por ley pertinente en el momento de cualquier emisión de ese tipo), como será determinado a criterio del Concilio Municipal, con el fin de hacer mejoras públicas permanentes o para otros fines públicos, a saber: diseñar, construir, renovar, mejorar, construir, reconstruir, reestructurar y extender calles y vías públicas y terrenos y derechos de paso relacionados (incluso sendas peatonales y bicisendas), aceras, paisajismo de calles, colectoras, drenaje, paisajismo, letreros, iluminación, señales de tránsito (incluso hardware y software de red), adquirir terrenos y derechos de paso necesarios para esto o incidentales a esto (pero específicamente excluyendo costos de servicios públicos de la Ciudad relacionados, que son la responsabilidad del sistema de servicios públicos de la Ciudad), con prioridad dada a los siguientes proyectos viales:

- Programa de reconstrucción de calles residenciales
- Mejoras relativas a la Ley de Americanos con Discapacidades (ADA)
- Proyectos que reciben fondos externos para parte o el total de sus costos (incluye proyectos con participación del Departamento de Transporte de Texas y proyectos con participación de urbanizadores bajo el Código de Desarrollo Unificado)”

y al disponer para las mejoras públicas de arriba, el Concilio Municipal tendrá la opción de (i) utilizar otros fondos disponibles para tales fines, incluso fuentes de financiación externas (tales como el Departamento de Transporte de EE.UU. y el Departamento de Transporte de Texas, respectivamente) y (ii) abandonar dichas mejoras públicas indicadas que están supeditadas, en parte, a fuentes externas de financiación que (por el motivo que sea) no se materializan o debido a que cambios imprevistos de hecho o circunstancia hacen que el gasto anticipado ya no sea sensato o necesario (como lo determine el Concilio Municipal), y después de disponer debidamente para las mejoras enumeradas antes o determinar que el proyecto de mejora pública no proseguirá por un motivo descrito hasta el presente, el Concilio Municipal puede, según su criterio, usar cualquier fondo excedente para construir, reconstruir, reestructurar y extender otras calles y vías públicas y terrenos

y derechos de paso relacionados, aceras, paisajismo de calles, colectoras, drenaje, paisajismo, letreros, instalaciones de almacenamiento de equipos, adquirir terrenos y derechos de paso necesarios para esto o incidentales a esto, que incluyen (y con prioridad asignada) mejoras al programa de gestión de tránsito residencial, y mejoras a bordillos y cunetas de calles (pero específicamente excluyendo costos de servicios públicos de la Ciudad relacionados, que son la responsabilidad del sistema de servicios públicos de la Ciudad); y se deberá autorizar al Concilio Municipal a imponer y comprometer, y hacer que se tase y recaude, dentro de los límites prescritos por ley, impuestos anuales ad valorem sobre toda propiedad gravable en la Ciudad suficientes para pagar el interés anual y fondo de amortización para pagar bonos en el vencimiento y para pagar los costos de cualquier acuerdo de crédito ejecutado en conexión con los bonos?”

SECCIÓN 2. Los precintos electorales de la Ciudad que se establecen por el presente con el fin de celebrar la Elección Especial y los lugares de votación que se designan por el presente para celebrar la Elección Especial en los precintos electorales de la Ciudad se identifican en el Anexo A de esta Ordenanza, el cual se incorpora a la presente por referencia en esta Ordenanza para todo fin. El Condado participa en el Programa de Lugares de Votación de Todo el Condado bajo la Sección 43.007 y sus enmiendas del Código Electoral de Texas, lo cual significa que cualquier votante del Distrito registrado en el Condado de Nueces puede votar en la Elección en cualquier lugar de votación indicado en el Anexo A para el Condado de Nueces.

Al menos setenta y nueve (79) días antes del Día de Elección, o tan pronto como sea razonablemente practicable, la Secretaria de la Ciudad, o su representante designado, en coordinación con el funcionario electoral del Condado (el *Funcionario Electoral*) o el representante designado del mismo, según sea necesario o deseable, identificarán y formalmente aprobarán la designación de Jueces Presidentes, Jueces Presidentes Alternos, Funcionarios Electorales y todos los demás funcionarios electorales para la Elección Especial, junto con cualquier otro cambio necesario para las prácticas y procedimientos electorales y pueden corregir, modificar o cambiar los Anexos de esta Ordenanza en base a los lugares y horarios definitivos convenidos por el Funcionario Electoral, la Ciudad y los Participantes en la medida de lo permitido por la ley pertinente.

El Juez Presidente designará un mínimo de dos (2) votantes calificados residentes del Condado para fungir como funcionarios y llevar a cabo la Elección Especial de manera adecuada. En la medida en que lo exija el Código Electoral o cualquier otra ley pertinente, la designación de dichos funcionarios debe incluir una persona con fluidez en el idioma español para fungir como funcionario y brindar asistencia oral en español a cualquier votante que requiera dicha asistencia en las casillas electorales el Día de Elección. Si el Juez Presidente designado de hecho cumple su función, el Juez Presidente Alterno fungirá como uno de los funcionarios. En ausencia del Juez Presidente, el Juez Presidente Alterno desempeñará las tareas del Juez Presidente del precinto electoral.

El Día de Elección los lugares de votación estarán abiertos de 7:00 a.m. a 7:00 p.m.

El lugar principal de votación anticipada se designa en el Anexo B de esta Ordenanza (que se incorpora a la presente por referencia para todo fin). La persona nombrada como Oficial de Votación Anticipada según se indica en el Anexo B es por la presente designada como Oficial de Votación Anticipada para llevar a cabo tal votación anticipada en la Elección Especial. El Oficial de Votación Anticipada designará a los Funcionarios Asistentes de Votación Anticipada. Este lugar principal de votación anticipada permanecerá abierto para permitir que se realice la votación anticipada en las fechas y horarios que se señalan en el Anexo B. La votación anticipada empezará según se dispone en el Anexo B y continuará hasta la fecha indicada en el Anexo B, todo según lo estipulado en las disposiciones del Código Electoral de Texas.

Asimismo, las sucursales permanentes y temporales para la votación anticipada en persona se establecerán y mantendrán de acuerdo con el Código Electoral. Los lugares, las fechas y los horarios de atención para la votación anticipada en estas oficinas (que serán sucursales permanentes y temporales) serán determinados por el Funcionario Electoral, como se indica en el Anexo B de la presente.

Por la presente se establece un Consejo de Boletas de Votación Anticipada para procesar los resultados de la votación anticipada. Por la presente se nombra Juez Presidente del Consejo de Boletas de Votación Anticipada a la persona designada en el Anexo B como Juez Presidente del Consejo de Boletas de Votación Anticipada. El Juez Presidente designará un mínimo de dos (2) votantes calificados residentes del Condado para fungir como miembros del Consejo de Boletas de Votación Anticipada.

SECCIÓN 3. El equipamiento de registro directo eSlate (*DRE*) será empleado en cada uno de los lugares de votación utilizados para la Elección Especial en conformidad con el Código Electoral; disponiendo, sin embargo, que en caso de que el uso de dicho DRE de eSlate no sea practicable, la Elección Especial puede ser celebrada el Día de Elección a través del uso de boletas de votación de papel (salvo que se disponga otra cosa en esta sección). Se puede usar DRE de eSlate o boletas de votación de papel para la votación anticipada en persona (salvo que se disponga otra cosa en esta sección). En conformidad con la Sección 61.012 del Código Electoral, la Ciudad deberá proporcionar por lo menos un sistema de votación de fácil acceso en cada lugar de votación utilizado en la Elección Especial. Dicho sistema de votación cumplirá con las leyes federales y estatales que establecen el requisito de sistemas de votación que les permitan a los votantes con discapacidades físicas emitir un voto secreto. Se pueden usar boletas de votación de papel, máquinas de votación con pantalla táctil y/o cualquier otro método de votación permitido por la ley para la votación anticipada y la votación el día de la Elección, en persona. Determinadas votaciones anticipadas podrán realizarse por correo.

SECCIÓN 4. La Ciudad también utilizará una Estación Central de Conteo (la *Estación*) según lo dispone la Sección 127.001, y siguientes del Código Electoral. Por la presente se nombra al Funcionario Electoral o su representante designado, como el Administrador y Juez Presidente de la Estación y puede designar funcionarios de la Estación y establecer un plan escrito para el funcionamiento ordenado de la Estación según las disposiciones del Código Electoral. Por la presente el Consejo designa al Funcionario Electoral o a su representante designado, como Supervisor de Tabulación y al Funcionario Electoral o a su representante designado, como Programador de la Estación. Por último, el Funcionario Electoral publicará el aviso y realizará pruebas del equipo automático de tabulación relacionado con la Estación y capacitará a los oficiales y funcionarios de la Estación según las disposiciones del Código Electoral.

SECCIÓN 5. La boleta oficial de votación se preparará en conformidad con las disposiciones del Código Electoral y sus enmiendas, de manera tal que se permita a los votantes votar “A FAVOR” o “EN CONTRA” de la proposición antedicha, la cual estará expresada en la boleta básicamente de la siguiente manera:

PROPOSICIÓN 12:

“La emisión de bonos para diseñar, construir, renovar y hacer calles, aceras y drenaje permanentes, y cualquier mejora relacionada por la cantidad de capital agregado de no más de \$18,350,000, y la imposición de un impuesto para el pago de estos, asignando la siguiente prioridad:

- Programa de reconstrucción de calles residenciales
- Mejoras relativas a la Ley de Americanos con Discapacidades (ADA)

- Proyectos que reciben fondos externos para parte o el total de sus costos (incluye proyectos con participación del Departamento de Transporte de Texas y proyectos con participación de urbanizadores bajo el Código de Desarrollo Unificado)”

SECCIÓN 6. En conformidad con la Sección 52.072(c) del Código Electoral, la Proposición aparecerá en la boleta de votación de la Ciudad después de enumerar los cargos que están sometidos a votación en la Elección General y las medidas que son sometidas en las Otras Elecciones.

SECCIÓN 7. Los bonos aprobados por los votantes emitidos en virtud de la Proposición de arriba estarán garantizados por la tasa de impuestos total y serán pagaderos de la misma, autorizada por la Constitución de Texas, en conformidad con la Sección 1(b) del Artículo VIII de la Carta Orgánica de la Ciudad.

SECCIÓN 8. Todos los votantes habilitados residentes de la Ciudad tendrán permitido votar en la Elección Especial, y el Día de Elección, dichos votantes votarán en los lugares de votación designados. La Elección Especial se organizará y celebrará en conformidad con las disposiciones del Código Electoral y los Capítulos 1251 y 1331 y sus enmiendas del Código de Gobierno de Texas (en conjunto, las *Leyes Electorales*) y según pueda ser requerido por cualquier otra ley. Todos los materiales y las actas electorales relativos a la Elección Especial estarán impresos en inglés y en español.

SECCIÓN 9. Una copia substancial de esta Ordenanza servirá como aviso adecuado de la Elección Especial. Este aviso, incluida una traducción al español del mismo, será colocado (i) en tres (3) lugares públicos dentro de la Ciudad y en el Ayuntamiento no menos de veintiún (21) días antes del Día de Elección y (ii) en un lugar destacado en cada lugar de votación el Día de Elección y durante la votación anticipada y será publicado el mismo día en cada una de dos (2) semanas consecutivas en un periódico de circulación general en la Ciudad, la primera de estas publicaciones aparecerá en tal periódico no más de treinta (30) días, ni menos de catorce (14) días completos antes del Día de Elección. Además, durante los veintiún (21) días previos al Día de Elección, la Ciudad deberá, mantener, de forma destacada, dicho aviso en su sitio web en Internet. Se instruye a la Secretaria de la Ciudad que coloque y publique los avisos de tal Elección Especial como se especifica anteriormente y según lo requerido por las Leyes Electorales.

SECCIÓN 10. Según los requisitos de la Sección 3.009(b)(5) y (7) hasta la (9) del Código Electoral de Texas, y en conformidad con la misma, además de la 83.^a Legislatura de Texas, la Ciudad, para su año fiscal que comienza el 1 de octubre de 2015, tenía pendiente una cantidad de capital respaldado por impuesto ad valorem total de deuda igual a \$523,910,000; la cantidad total de interés adeudado sobre dichas obligaciones de deuda de la Ciudad, hasta su respectivo vencimiento, alcanzaban un total de \$189,736,856; y la Ciudad impuso una tasa de impuestos ad valorem para el servicio de la deuda para sus obligaciones de deuda pendientes de \$0.229458 cada \$100 de tasación fiscal. De la deuda de la Ciudad mencionada antes, la Ciudad considera \$103,794,050 y \$34,298,145 de ese capital e interés, respectivamente, para ser deuda económicamente independiente, pagadera de fuentes distintas a impuestos ad valorem. La Ciudad calcula una tasa de impuesto ad valorem para el servicio de la deuda de \$0.229458 por cada \$100 de tasación fiscal gravable si los bonos que están sujetos a la Elección Especial se aprueban y se emiten (teniendo en cuenta los bonos pendientes de la Ciudad y los bonos que están sujetos a esta Elección Especial, pero no autorizaciones futuras de bonos de la Ciudad). Este es solamente un cálculo estimado para el cumplimiento normativo de Texas y no funciona como un límite para ninguna tasa de impuesto ad valorem para servicio de la deuda de la Ciudad.

SECCIÓN 11. Por la presente el Concilio designa a la Secretaria de la Ciudad como la autoridad y funcionaria responsable para celebrar la Elección Especial y por la presente se la autoriza e instruye a realizar todos los preparativos necesarios para la celebración de la Elección Especial en conformidad con las Leyes Electorales, obligaciones que incluyen (entre otras) coordinar el proceso de la Elección Especial

y negociar, celebrar y llevar a cabo los términos y las disposiciones de uno o más convenios o contratos de elección conjunta con el Condado y cualquiera de los Participantes en conformidad con las disposiciones del Código Electoral. En la medida en que cualquier responsabilidad u obligación de la Ciudad, en general, o de la Secretaria de la Ciudad, en particular, sea delegada al Condado en conformidad con el convenio de elecciones conjuntas, la realización de esas responsabilidades y obligaciones por parte del Condado en nombre de la Ciudad en conformidad con las disposiciones de tal convenio de elecciones conjuntas crearán obligaciones para la Ciudad y son por la presente determinadas por el Concilio como evidencias del cumplimiento de las disposiciones de las leyes electorales por parte de la Ciudad en relación a esto.

Además, por la presente se autoriza y concede el derecho al Administrador de la Ciudad y a la Secretaria de la Ciudad, de forma individual o en conjunto y según sea necesario o deseable, a realizar ciertas modificaciones técnicas a esta Ordenanza que sean necesarias para el cumplimiento de la ley federal o estatal pertinente (incluidas las Leyes Electorales) o para llevar a cabo la intención del Concilio, como se pone de manifiesto en la presente.

SECCIÓN 12. Por la presente se hallan y declaran verdaderos los considerandos incluidos en el preámbulo de esta ordenanza, y por la presente dichos considerandos se convierten en una parte de esta Ordenanza para todo fin y se adoptan como una parte de las conclusiones y de los hallazgos del Concilio.

SECCIÓN 13. Por la presente se revocan todas las ordenanzas y resoluciones, o partes de estas, que estén en conflicto o sean incompatibles con cualquier disposición de esta Ordenanza en la medida de dicho conflicto, y las disposiciones de esta Ordenanza regirán y seguirán rigiendo los asuntos ordenados en ella.

SECCIÓN 14. Se interpretará y aplicará esta Ordenanza de acuerdo con las leyes del Estado de Texas y de los Estados Unidos de América.

SECCIÓN 15. Si cualquier disposición de esta Ordenanza o su aplicación a alguna persona o circunstancia se determina no válida, el resto de esta Ordenanza y la aplicación de dicha disposición a otras personas o circunstancias será de todos modos válida y, por la presente, este Concilio declara que esta Ordenanza habría sido promulgada sin dicha disposición no válida.

SECCIÓN 16. Se halla, determina y declara oficialmente que la asamblea en la cual esta Ordenanza fue adoptada estuvo abierta al público y se dio aviso público de la hora, el lugar y el asunto de interés público a tratarse en dicha asamblea, incluida esta Ordenanza, todo según lo exige el Capítulo 551 y sus enmiendas, del Código de Gobierno de Texas.

SECCIÓN 17. La presente Ordenanza tendrá validez y vigencia a partir de su aprobación definitiva y así se ordena.

POR LO TANTO, NOTIFÍQUESE de todos los asuntos y hechos descritos en el Aviso de Elección precedente.

//firma// Rebecca Huerta
Secretaria de la Ciudad
Ciudad de Corpus Christi, Texas

* * *

ANEXO A

PRECINTOS ELECTORALES Y LOCALIDADES DE VOTACIÓN DEL DÍA DE ELECCIÓN

Día de Elección: Martes 8 de noviembre de 2016

Las localidades de votación del Día de Elección estarán abiertas de 7:00 a.m. a 7:00 p.m.

Lugares de votación del Condado de Nueces	Dirección	Ciudad
Antonio Garcia Arts & Education Center	2021 Agnes Street	Corpus Christi
Baker Middle School	3445 Pecan Street	Corpus Christi
Banquete ISD	4339 Fourth Street	Banquete
Ben Garza Gym	1815 Howard Street	Corpus Christi
Bishop Primary School	705 W. Main Street	Bishop
Bishop High School	100 Badger Lane	Bishop
Blanche Moore Elementary	6121 Durant Drive	Corpus Christi
Brooks A.M.E. Worship Center	2101 N. Port Avenue	Corpus Christi
Calallen East Elementary	3709 Lott Avenue	Corpus Christi
Calallen Middle School	4602 Cornett Road	Corpus Christi
Cimarron Senior Apartments	2802 Cimarron Boulevard	Corpus Christi
Club Estates Elementary	5222 Merganser Drive	Corpus Christi
Cullen Middle School	5224 Greely Drive	Corpus Christi
Cunningham Middle School	4321 Prescott Street	Corpus Christi
David Berlanga Community Center	1513 2nd Street	Agua Dulce
David Crockett Elementary	2625 Belton Street	Corpus Christi
Deaf and Hard of Hearing Center	5151 McArdle Road	Corpus Christi
Del Mar College	101 Baldwin Boulevard	Corpus Christi
Driscoll ISD	410 W. Avenue D	Driscoll
Driscoll Middle School	3501 Kenwood Drive	Corpus Christi
Ella Barnes Elementary	2829 Oso Parkway	Corpus Christi
Ethel Eyerly Community Center	654 Graham	Corpus Christi
Fannin Elementary	2730 Gollihar Road	Corpus Christi
Fire Station #7	3722 S. Staples Street	Corpus Christi
Fire Station #9	501 Navigation Boulevard	Corpus Christi
Fire Station #11	910 Airline Road	Corpus Christi
Fire Station #12	2120 Rand Morgan Road	Corpus Christi
Flour Bluff ISD (Maintenance Building)	2505 Waldron	Corpus Christi
Galvan Elementary	3126 Masterson Drive	Corpus Christi
Gibson Elementary	5723 Hampshire Road	Corpus Christi
Gloria Hicks Elementary	3602 McArdle Road	Corpus Christi
Grace Presbyterian Church	6301 Yorktown Boulevard	Corpus Christi
Grant Middle School	4350 Aaron Drive	Corpus Christi
Hamlin Middle School	3900 Hamlin Drive	Corpus Christi
Harold T. Branch Academy	3902 Morgan Street	Corpus Christi
Hilltop Community Center	11425 Leopard Street	Corpus Christi
Island Presbyterian Church	14030 Fortuna Bay Drive	Corpus Christi
John F. Kennedy Elementary	1102 Villarreal Road	Corpus Christi
Johnny Calderon County Building	710 E. Main Street	Robstown

Lugares de votación del Condado de Nueces	Dirección	Ciudad
Keach Family Library	1000 Terry Shamsie	Robstown
King High School	5225 Gollihar Road	Corpus Christi
Kiwanis Recreation Center	3933 Timon Boulevard	Corpus Christi
Kolda Elementary	3730 Rodd Field	Corpus Christi
Korean Presbyterian Church	4326 McArdle Road	Corpus Christi
Kostoryz Elementary	3602 Panama Drive	Corpus Christi
La Retama Central Library	805 Comanche Street	Corpus Christi
Lindale Senior Center	3135 Swanther Drive	Corpus Christi
London ISD Middle/High School	1306 FM 43	Corpus Christi
Lotspeich Elementary	1000 Ruben Chavez Road	Robstown
LULAC West Apartments	10702 IH 37	Corpus Christi
Luther Jones Elementary	7533 Lipes Boulevard	Corpus Christi
Magee Elementary	4201 Calallen Drive	Corpus Christi
Menger Elementary	2401 S. Alameda Street	Corpus Christi
Metro E Elementary	1707 Ayers Street	Corpus Christi
MG Building Materials	7406 S. Padre Island Drive	Corpus Christi
Mireles Elementary	7658 Cimarron Boulevard	Corpus Christi
Montclair Elementary	5241 Kentner Street	Corpus Christi
Moody High School	1818 Trojan Drive	Corpus Christi
Nueces County ESD #4	5781 FM 666	Robstown
Oak Park Recreation Center	842 Erwin Avenue	Corpus Christi
Our Lady of Mount Carmel Mission	1080 S. Clarkwood Road	Corpus Christi
Oveal Williams Senior Center	1414 Martin Luther King Drive	Corpus Christi
Parkway Presbyterian Church	3707 Santa Fe Street	Corpus Christi
Peerless Cleaners	2802 Santa Fe Street	Corpus Christi
Petronila Elementary	2391 County Road 67	Robstown
Port Aransas Community Center	408 North Alister	Port Aransas
River Hills Baptist Church	16318 FM 624	Robstown
Robert Driscoll Elementary	122 W. Avenue H	Robstown
Ronnie H. Polston County Building	10110 Compton Road	Corpus Christi
Rose Shaw Elementary	2920 Soledad Street	Corpus Christi
Saint John's Baptist Church	5445 Greenwood Drive	Corpus Christi
San Pedro Elementary	800 W. Avenue D	Robstown
Schanen Estates Elementary	5717 Killarmet Drive	Corpus Christi
Schlitterbahn	14353 Commodores Drive	Corpus Christi
Scott Veters Scout Hut	3221 McKinzie Road	Corpus Christi
Smith Elementary	6902 Williams Drive	Corpus Christi
South Park Middle School	3001 McArdle Road	Corpus Christi
St. Anthony Violet Catholic Church	3918 County Road 61	Robstown
T.G. Allen Elementary	1414 18th Street	Corpus Christi
The People's Baptist Church	1355 FM 665	Corpus Christi
Tom Browne Middle School	4301 Schanen Boulevard	Corpus Christi
Travis Elementary	3210 Churchill Dr.	Corpus Christi
Tuloso-Midway High School	2653 McKinzie Road	Corpus Christi
Tuloso-Midway Middle School	9768 LaBranch Street	Corpus Christi
Valencia Hall	6110 Ayers Street	Corpus Christi

Lugares de votación del Condado de Nueces	Dirección	Ciudad
Veteran's Memorial High School	3750 Cimarron	Corpus Christi
Villa of Corpus Christi - South	4834 Yorktown Boulevard	Corpus Christi
West Oso Junior High School	5202 Bear Lane	Corpus Christi
Windsor Park Athena School	4525 S. Alameda Street	Corpus Christi
Woodlawn Elementary	1110 Woodlawn Drive	Corpus Christi
Yeager Elementary	5414 Tripoli Dr.	Corpus Christi

(El Condado de Nueces participa en el Programa de Lugares de Votación de Todo el Condado bajo la Sección 43.007, enmendada, del Código Electoral de Texas)

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ANEXO B

VOTACIÓN ANTICIPADA

La votación anticipada comienza el lunes 24 de octubre de 2016 y finaliza el viernes 4 de noviembre de 2016.
Oficial de Votación Anticipada: Kara Sands
Dirección física de la Oficial de Votación Anticipada: 901 Leopard Street, Corpus Christi, Texas 78401
Juez Presidente del Consejo de Boletas de Votación Anticipada: será designado por Kara Sands
Todo votante con derecho a votar por anticipado en persona puede hacerlo en cualquier Lugar de Votación Anticipada.

Ubicación, fechas y horarios del principal lugar de votación anticipada

Nueces County Courthouse
1st Floor Atrium
901 Leopard
Corpus Christi, Texas 78401

Fechas

Lunes 24 de octubre de 2016 – Viernes 28 de octubre de 2016
Sábado 29 de octubre de 2016
Domingo 30 de octubre de 2016
Lunes 31 de octubre de 2016 - Viernes 4 de noviembre de 2016

Horarios

8:00 a.m. – 5:00 p.m.
7:00 a.m. – 7:00 p.m.
12:00 noon – 5:00 p.m.
7:00 a.m. – 7:00 p.m.

Ubicación, fechas y horarios de las sucursales permanentes de votación

Lugares de votación del Condado de Nueces	Dirección	Ciudad
Bishop Community Center	102 W. Joyce Street	Bishop
Calallen ISD, Admin Building <i>(cerrado 10/30)</i>	4205 Wildcat Drive	Corpus Christi
Corpus Christi City Hall, 1st Floor Utility Section <i>(cerrado 10/29 and 10/30)</i>	1201 Leopard Street	Corpus Christi
Corpus Christi Christian Fellowship <i>(cerrado 10/29 and 10/30)</i>	6602 S. Staples Street	Corpus Christi
Corpus Christi ISD, Admin Building <i>(cerrado 10/29 and 10/30)</i>	801 Leopard Street	Corpus Christi
Deaf and Hard of Hearing Center	5151 McArdle Road	Corpus Christi
Del Mar College, Heldenfels Admin Building	101 Baldwin	Corpus Christi
Ethel Eyerly Senior Center	654 Graham Road	Corpus Christi
Flour Bluff ISD, Maintenance Building <i>(cerrado 10/29 and 10/30)</i>	2505 Waldron Road	Corpus Christi
Greenwood Senior Citizens Center	4040 Greenwood Drive	Corpus Christi
Hilltop Community Center	11425 Leopard Street	Corpus Christi
Johnny S. Calderon County Building	710 E. Main Street	Robstown
Petronila Elementary, Cafeteria <i>(cerrado 10/24 – 10/26 and 10/30)</i>	2391 Co. Road 67	Robstown
Port Aransas Community Center	408 N. Alister Street	Port Aransas
Robstown City Hall <i>(cerrado 10/30)</i>	101 East Main	Robstown
Robstown ISD, Admin Building <i>(cerrado 10/29 and 10/30)</i>	801 N. First Street	Robstown
Schlitterbahn	14353 Commodores Drive	Corpus Christi
Tuloso Midway ISD, Admin Building <i>(cerrado 10/29 and 10/30)</i>	9768 La Branch Street	Corpus Christi
Valenica Hall	6110 Ayers Street	Corpus Christi
Veterans Memorial High School	3750 Cimarron Boulevard	Corpus Christi
West Oso ISD, Admin Building <i>(cerrado 10/30)</i>	5050 Rockford Drive	Corpus Christi

Fechas

Lunes 24 de octubre de 2016 – Viernes 28 de octubre de 2016
 Sábado 29 de octubre de 2016
 Domingo 30 de octubre de 2016
 Lunes 31 de octubre de 2016 - Viernes 4 de noviembre de 2016

Horarios

8:00 a.m. – 5:00 p.m.
 7:00 a.m. – 7:00 p.m.
 12:00 noon – 5:00 p.m.
 7:00 a.m. – 7:00 p.m.

Ubicación Fechas y Horarios de las Sucursales Temporales de Votación Anticipada

Corpus Christi Army Depot, Building 8
308 Crecy Street
Corpus Christi, Texas

Fechas

Lunes 24 de octubre de 2016 – Martes 25 de octubre de 2016
Miércoles 2 de noviembre de 2016 – Jueves 3 de noviembre de 2016

Horarios

8:00 a.m. – 5:00 p.m.
7:00 a.m. – 7:00 p.m.

TAMU-CC
University Center, Legacy Hall Room 124
6300 Ocean Drive
Corpus Christi, Texas

Fechas

Miércoles 26 de octubre de 2016 – Jueves 27 de octubre de 2016
Lunes 31 de octubre de 2016 – Martes 1 de noviembre de 2016

Horarios

8:00 a.m. – 5:00 p.m.
7:00 a.m. – 7:00 p.m.

Banquete ISD Admin Building
4339 Fourth Street
Banquete, Texas

Fechas

Jueves 27 de octubre de 2016 – Viernes 28 de octubre de 2016
Lunes 31 de octubre de 2016 – Martes 1 de noviembre de 2016

Horarios

8:00 a.m. – 5:00 p.m.
7:00 a.m. – 7:00 p.m.

David Berlanga Community Center
1513 2nd Street
Agua Dulce, Texas

Fechas

Viernes 28 de octubre de 2016
Sábado 29 de octubre de 2016
Jueves 3 de noviembre de 2016 – Viernes 4 de noviembre de 2016

Horarios

8:00 a.m. – 5:00 p.m.
7:00 a.m. – 7:00 p.m.
7:00 am. – 7:00 p.m.

London ISD High School
1306 FM 43
Corpus Christi, Texas

Fechas

Lunes 31 de octubre de 2016 – Martes 1 de noviembre de 2016

Horarios

7:00 a.m. – 7:00 p.m.

Votación Anticipada Por Correo

Las solicitudes para votar por correo deben ser recibidas no más tarde que al cierre del horario de oficina (5:00 p.m.) del viernes 28 de octubre de 2016.

Las solicitudes deben ser enviadas a:
Kara Sands, County Clerk
Condado de Nueces, Texas
P.O. Box 2627
Corpus Christi, Texas 78403
email: nueces.countyelections@nuecesco.com

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ATTACHMENT "K"

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b.(1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b.(1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

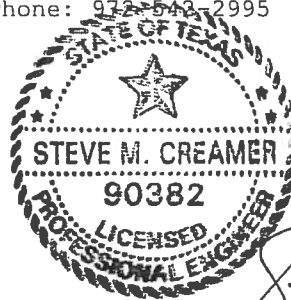
4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

SPECIAL PROVISIONS
SPECIFICATIONS
AND
FORMS OF CONTRACTS AND BONDS
FOR

CORPUS CHRISTI INTERNATIONAL AIRPORT
RUNWAY 13-31 EXTENSION/DISPLACEMENT AND
CONNECTING TAXIWAY PROJECT

PREPARED BY:

KSA ENGINEERS, INC.
8875 Synergy Drive
McKinney, TX 75070
Phone: 972-543-2995



Steve M. Creamer
Nov. 14, 2013

Affix Seal Here

November 14, 2013
KSA ENGINEERS

FOR:
DEPARTMENT OF ENGINEERING SERVICES
CITY OF CORPUS CHRISTI, TEXAS
Phone: 361/826-3500
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PROJECT NO: E11047, E12156, & E12156A

RECORD DRAWING NO: AP-140

FAA PROJECT NO.3-48-0051-050-2013

KSA PROJECT NO: CRP-005

NOTICE TO CONTRACTORS – C
(for contracts over \$10,000)

Notice to Prospective Federally Assisted Construction Contractors

1. A Certification of Nonsegregated Facilities must be submitted prior to the award of a federally-assisted construction contract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity Clause.

2. Contractors receiving federally-assisted construction contract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause will be required to provide for the forwarding of the following notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity Clause.

NOTE: The penalty for making statements in offers is prescribed in 18 U.S.C. 1001.

Notice to Prospective Subcontractors of Requirement for Certification of Nonsegregated Facilities

1. A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity Clause.

2. Contractors receiving subcontract awards exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause will be required to provide for the forwarding of this notice to prospective subcontractors for supplies and construction contracts where the subcontracts exceed \$10,000 and are not exempt from the provisions of the Equal Opportunity Clause. NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

A copy of the Certification of Non-segregated Facilities (for contracts over \$10,000) is located in the Federally Required Language section of this document.

NOTICE TO CONTRACTORS – D
(for contracts over \$10,000)

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity
(Executive Order 11246, as amended)

1. The Offerer's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Opportunity Construction Contract Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
	Insert goals for each year	Insert goals for each year

These goals are applicable to all the contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project, for the sole purpose of meeting the contractor's goals, shall be a violation of the contract, the Executive Order, and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The contractor shall provide written notification to the Director, OFCCP, within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.
4. As used in this notice and in the contract resulting from this solicitation, the "covered area" is Corpus Christi, Nueces County, Texas.

FEDERALLY REQUIRED LANGUAGE FOR CONSTRUCTION CONTRACTS

- A. Civil Rights – Title VI Clause (for all contracts)
- B. Non-Discrimination Provision (for all contracts)
- C. Disadvantaged Business Enterprises Clauses (for all contracts)
- D. State Energy Conservation Plan (for all contracts)
- E. Record Availability (for all contracts)
- F. Reporting (for all contracts)
- G. Rights to Inventions (for all contracts)
- H. Copyrights and Rights in Data (for all contracts)
- I. Remedies (for all contracts)
- J. Foreign Trade Restrictions (for all contracts)
- K. Exclusionary Specifications Provision (for all contracts)
- L. Cargo Preference Requirements (for all contracts)
- M. Buy American Requirement (for all contracts)
 - 1. Buy American – Steel and Manufactured Products for Construction Contracts
 - 2. Buy American – Steel and Manufactured Products
 - 3. Buy American Certificate
- N. Additional Language: Alteration of Work and Quantities (for all contracts)
- O. Veteran's Preference Provision (for all contracts)
- P. Davis-Bacon Required Provisions (for contracts over \$2,000)
- Q. Contract Work Hours and Safety Standards Provision (for contracts over \$2,000)
- R. Equal Employment Opportunity Clause (for contracts over \$10,000)
- S. Standard Federal Equal Opportunity Construction Contract Specifications (Executive Order 11246, as amended) (for contracts over \$10,000)
- T. Certification of Non-Segregated Facilities (for contracts over \$10,000)
- U. Termination of Contract (for all contracts over \$10,000)
- V. Debarment and Suspension (for contracts over \$25,000)
- W. Environmental Compliance (for contracts over \$100,000)

A. CIVIL RIGHTS – TITLE VI CLAUSE

During the performance of this contract, the Contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

1. **Compliance with Regulations.** The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Nondiscrimination.** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including the procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5

of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports. The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City of Corpus Christi or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the City of Corpus Christi or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance. In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City of Corpus Christi shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions. The Contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the City of Corpus Christi or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the City of Corpus Christi to enter into such litigation to protect the interests of the City of Corpus Christi and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

B. NON-DISCRIMINATION PROVISION

The contractor/tenant/concessionaire/lessee assures that it will comply with pertinent statutes, Executive Orders, and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This Provision obligates the tenant/concessionaire/lessee or its transferee for the period during which Federal assistance is extended to the airport program, except where Federal assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon. In these cases, the Provision obligates the party or any transferee for the longer of the following periods: (a) the period during which the property is used by the City of Corpus Christi or any transferee for a purpose for which Federal assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the City of Corpus Christi or any transferee retains ownership or possession of the property. In the case of contractors, this Provision binds the contractors from the bid solicitation period through the completion of the contract.

C. DISADVANTAGED BUSINESS ENTERPRISES CLAUSES

1. Contract Assurance

The Contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

2. Prompt Payment

The Contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty days from the receipt of each payment the Contractor receives from the City of Corpus Christi. The Contractor agrees further to return retainage payments to each subcontractor within [specify number] days after the subcontractor's work is satisfactorily completed. A delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City of Corpus Christi. This clause applies to both DBE and non-DBE subcontractors.

3. Good Faith Efforts

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City of Corpus Christi to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE contract goal of 6.52 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) written documentation of DBE certification; (3) a description of the work that each DBE firm will perform; (4) the dollar amount of the participation of each DBE firm participating; (5) Written documentation of the bidder/offeror's commitment to uses a DBE subcontractor whose participation it submits to meet the contract goal; (6) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (5); and (7) if the contract goal is not met, evidence of good faith efforts.

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26 (Attachment 1 herein).

DBE participation in this contract may be in the form of a prime contract, subcontract, joint venture, or another arrangement that qualifies under 49 CFR Sections 26.55, "How is DBE participation counted toward goals?" or 26.53 (g), both of which are included as Attachment 2.

4. Non-Discrimination

Corpus Christi International Airport will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. In administering its DBE program, Corpus Christi International Airport will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or

substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.