



REGULAR MEETING MINUTES
City Council – City Of Quitman, Texas
Thursday December 15, 2016, 5:30 PM

City Council Chambers, City Hall - 401 E Goode Street, Quitman, TX

Council Present: J.R. Evans, Mayor; David Dobbs, Mayor Pro-Tem; Susan Resnik, Alderman; Randy Dunn, Alderman and Brad Medlin, Alderman.
Council member absent: Kevin Gilbreath, Alderman

Staff Present: Jim McLeroy, City Attorney; Walter Lutonsky, Streets & Maintenance Director; John Farmer, representing the Police Dept.; Delene Allen, Civic Services Director; and Greg Hollen, City Secretary / Administrator. QDC Executive Director Denea Hudman was also present.

Staff Absent: Dee Gilbreath, Utilities Director; Scott Wheeler, Fire Chief and Kelly Cole, Police Chief.

Mayor Evans called the meeting to order at 5:31 PM.

At the Mayor's request, Mayor Pro-Tem Dobbs gave an invocation and Alderman Medlin led the recitation of the United States Pledge and the Texas Pledge

Item 1 -Citizen Comments None

Item 2 - Mayor comments

The Mayor opened by congratulating the winning Quitman Junior High *UIL One Act Play* group for their recent achievements and noted this Friday the QJHS play begins at 7:30 PM, at QHS. He discussed the December 22 Christmas party at city hall/fire hall and noted the new water pier was in operation, the old one was being demolished and the water treatment plant activities continue on schedule. The Mayor noted the QDC was holding a meeting and a "Notice of Quorum" notification was posted to allow city council members to attend to review development prospects for our downtown area, on Monday, Dec. 19th at 1:30 p.m. At Jim Hogg Park He indicated installation of the new roofs on in the honeymoon cottage and the small gazebo as well as the slab poured for the historical printing press display. The Auditor has received all the paperwork needed for the City and QDC annual audits and we expect to receive our report in January, 2017. The Mayor also provided an update on the RFP for city building permits / inspections and efforts to normalize the differing approaches from the three vendors who responded. He stated a January City Council Workshop was likely to select the primary and possibly back up firms for service. The Mayor also mentioned the conversion of city employee health care providers from BCBS to Texas Municipal League (TML), following the former's 39.5% increase offering. The return to TML coverage allows for greater service offerings, at lower rates and deductible /out of pocket costs to the employees. Many employees will now have the family coverage with us as a result. Finally, the Mayor further noted there was no Wood County Industrial Commission meeting or representative report this month.

CONSENT AGENDA

All items under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- (Item 3) November 17, 2016 City Council Regular Meeting Minutes
- (Item 4) Financial Report as of November 30, 2016
- (Item 5) Budget Report as of November 30, 2016
- (Item 6) October Departmental Reports

Mayor Pro-Tem Dobbs made a motion to approve the Consent Agenda, Alderman Resnik seconded the motion. The motion passed unanimously.

Item 7 O121516(01) –Gaming Ordinance discussion/action

The Mayor and City Attorney led a discussion regarding efforts in nearby communities of Grand Saline, Mineola and Tyler to regulate gaming influx into the city. Mayor Evans discussed are current city regulations and city attorney

McLeroy outlined the regulations and restrictions as outlined in the city ordinance proposal. QPD Office Farmer provided some historical county law enforcement context.

Alderman Dunn made a motion to approve, Alderman Medlin seconded the motion. The motion passed unanimously.

Item 8 - O121516(02) – TML Insurance

Mayor Evans discussed that our city employee health care provider (BCBS) had presented the city with a renewal plan that was an increase of 39.5% for our 2017 coverage. He instructed the city secretary/administrator to investigate other providers and we were able to rejoin the Texas Municipal Leagues (TML) health plan, with great coverage's, lower out of pocket expenses for a lesser rate than budgeted for the coming year.

Mayor Pro-Tem Dobbs made a motion to approve, Alderman Dunn seconded the motion. The motion passed unanimously.

Item 9 - R121516 (A) PerdueBrandonFielderCollins&Mott LLP Acceptance of Bids - 504 Central

Mr. Scott Severt, from PerdueBrandonFielderCollins&Mott LLP presented the delinquency history of the property at 504 Central, He noted a bid of 1,101.80 had been received, from Jason Miller & Keelie Smith of Colorado Springs, CO and that tax lien holders such as the QISD had approved this sale in hopes of having the new ownership develop the property and return it to the tax rolls. ***Mayor Pro-Tem Dobbs made a motion to approve, Alderman Resnik seconded the motion. The motion passed unanimously.***

Item 10 - R121516 (B) PerdueBrandonFielderCollins&Mott LLP Acceptance of Bids –near 210 Flournoy

Mr. Scott Severt, from PerdueBrandonFielderCollins&Mott LLP presented the delinquency history of the property near 210 Flournoy. He noted a bid of \$250.00 had been received, from David Dalton, Flower Mound, TX and that tax lien holders such as the QISD had approved this sale in hopes of having the new ownership develop the property and return it to the tax rolls.

Alderman Dunn made a motion to approve, Alderman Medlin seconded the motion. The motion passed unanimously.

Adjournment

Alderman Medlin made a motion to adjourn, Alderman Dunn seconded the motion. The motion passed unanimously.

The meeting was adjourned at 5:59 PM

I HEREBY CERTIFY THAT THESE MINUTES ARE A TRUE AND CORRECT RECORD OF THE ITEMS CONSIDERED AND ACTION TAKEN AT THIS MEETING AND THAT THESE MINUTES HAVE BEEN APPROVED AS TRUE AND CORRECT AND THAT AN EXECUTED COPY IS ON FILE WITH THIS OFFICE.

***Gregory D. Hollen
City Secretary / Administrator***

R-121516 A

RESOLUTION OF THE
CITY OF QUITMAN

WHEREAS, the **QUITMAN INDEPENDENT SCHOOL DISTRICT** has become the owner of certain real property described in the attached Exhibit (Exhibit "A") by virtue of the fact that a sufficient bid was not received at a sale conducted by the Sheriff pursuant to an order of the District Court in Cause No. **[T-3728 QUITMAN INDEPENDENT SCHOOL DISTRICT VS. JIMMY PETILLO]**

WHEREAS, a potential buyer of the property has come forward, and

WHEREAS, all taxing entities involved in the above referenced cause must consent to the sale of the hereinabove described real property, and

WHEREAS, it is to the benefit of all the taxing entities involved that the property be returned to their respective tax rolls;

NOW therefore be it resolved by the Mayor of City of **Quitman**, **Wood** County, Texas.

That the sale of the hereinabove described real property to **Jason Miller & Keelie Smith** for and in consideration of the cash sum of **ONE THOUSAND ONE HUNDRED AND ONE DOLLARS and 80/100 (\$1,101.80)**, said money to be distributed pursuant to Chapter 34 of the Texas Property Tax Code.

Resolved this the 15 day of December, 2016.

Attest:

Gregory D. Hollen
Secretary


Mayor

Those Voting *Aye* Were:

Mayor Pro Tem David Dobbs

RANDY DUNN

SUSAN RESNIK

BRAD MADLIN

Those Voting *Nay* Were:

None

In testimony whereof QUITMAN INDEPENDENT SCHOOL DISTRICT, Wood County, Texas has caused these presents to be executed this the 15 day of December, 2016

City of Quitman

BY: _____

City Mayor

State of Texas

{

}

County of Wood

{

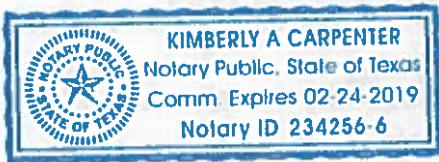
This instrument was acknowledged before me on this the 15th day of

December

, 2016 by

JR Evans

Mayor, for the City of Quitman, Wood County, Texas.



Kimberly A. Carpenter
Notary Public, State of Texas

R- 121516 B

RESOLUTION OF THE BOARD OF TRUSTEES OF
CITY OF QUITMAN:

WHEREAS, the CITY OF QUITMAN has become the owner of certain real property described in the attached Exhibit (Exhibit "A") by virtue of the fact that a sufficient bid was not received at a sale conducted by the Sheriff pursuant to an order of the District Court in Cause No. T-2939 QUITMAN INDEPENDENT SCHOOL DISTRICT VS. WILLIE LEE REDWINE

WHEREAS, a potential buyer of the property has come forward, and

WHEREAS, all taxing entities involved in the above referenced cause must consent to the sale of the hereinabove described real property, and

WHEREAS, it is to the benefit of all the taxing entities involved that the property be returned to their respective tax rolls;

NOW therefore be it resolved by the Mayor of CITY OF QUITMAN, Wood County, Texas.

That the sale of the hereinabove described real property to DOUGLAS P. DALTON for and in consideration of the cash sum of TWO HUNDRED FIFTY DOLLARS and 00/100 (\$250.00), said money to be distributed pursuant to Chapter 34 of the Texas Property Tax Code.

Resolved this the 15 day of December, 2016.

Attest:

Gregory D Hallen
Secretary

[Signature]
Mayor

Those Voting Aye Were:

Mayor Pro Tem David Dobbs

RANDY DONN

SUSAN ROSNIK

BRAD MESTLIN

Those Voting Nay Were:

None

In testimony whereof **CITY OF QUITMAN**, Wood County, Texas has caused these presents to be executed this the 15 day of December, 2016

CITY OF QUITMAN

BY: 
Mayor

State of Texas

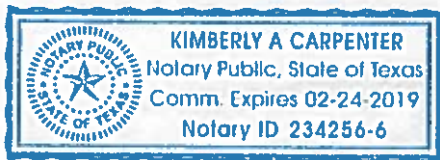
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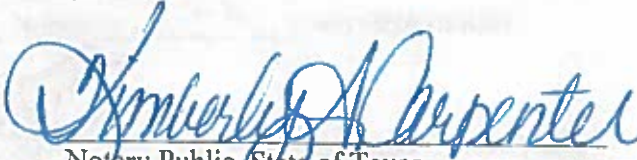
County of Wood

}

This instrument was acknowledged before me on this the 15 day of December, 2016 by J.R. EVANS,

Mayor, **CITY OF QUITMAN**, Wood County, Texas.




Notary Public, State of Texas

ORDINANCE NO. 0121516 (01)

ORDINANCE ESTABLISHING RULES AND REGULATIONS CONCERNING PLACEMENT AND OPERATION OF GAMING ROOMS AND AMUSEMENT REDEMPTION MACHINES WITHIN THE INCORPORATED CITY LIMITS OF QUITMAN, TEXAS.

WHEREAS, the City Council of the City of Quitman, Texas hereinafter referred to as "the City", deems it necessary and proper within the best interest of the citizens of the City to establish rules and regulations for the placement and operations of gaming rooms and amusement redemption machines within the incorporated city limits of Quitman; providing for penalties; savings clause; conflict clause; and an effective date.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF QUITMAN, TEXAS THAT:

**SECTION 1
Authority and Purpose**

The purpose of this chapter is to prevent establishments from becoming places of illegal gambling. Illegal gambling often attracts the criminal element. Average citizens often conduct business in these establishments which make them easy victims of robberies, assaults, and thefts. Often times illegal gambling attracts the sale, distribution, and use of illegal narcotics which is detrimental not only to the youth of the incorporated city limits, but also to the general quality of life for the citizens.

**SECTION 2
Definitions**

For purposes of this chapter the following terms are defined as:

1. "Gaming Room" any business, building, or place that utilizes 5 or more Amusement Redemption Machines. This definition applies whether Amusement Redemption Machines are the sole purpose for the business or if the Amusement Redemption Machines are part of the business which also offers other merchandise or services.
2. "Amusement Redemption Machines" any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5.00, whichever is less. For this chapter, coin operated arcade style games where there are no items given as prizes and claw machines are exempted.
3. "Gambling Device" means any electronic, electromechanical, or mechanical contrivance that for consideration affords the player an opportunity to obtain anything of value, the

award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term includes, but is not limited to gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, or mechanical games or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games, and that records the number of free games or credits so awarded and the cancellation or removal of the free games or credits. These machines do not include any device that falls under the definition of Amusement Redemption Machine.

SECTION 3 Prerequisites of Licensing

- A. The proposed site of placement of placement of five (5) or more Amusement Redemption Machines or Gaming Room must comply with the following before a City Operations License can be issued:
1. Amusement Redemption machines or gaming rooms may only be permitted in the Local Business (B-1) and Local Business (B-2), Light Industrial (M-1) and Heavy Industrial (M-2).
 2. No amusement redemption machine or gaming room shall be located within 300 feet of a residential use or residential district, church, school, daycare, city park, library, or public swimming pool/splash park.
 - a. The distance shall be measured in a straight line without regard to interfering objects or structures from property line to property, or property line to district boundary, whichever is more restrictive.
 3. No gaming room or amusement redemption machine shall be located within 1000 feet of any other gaming room or property which contains amusement redemption machines measured from property line to property line.
 4. Any gaming room must provide transparent glass in at least one exterior gaming room window with a dimension of at least four feet in width and four feet in height and shall not cover or otherwise block or obscure the view through the gaming room window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions. The window shall allow a clear, unobstructed view of the manager station and all amusement redemption machines in a gaming room.
 5. The sale, purchase, possession, or consumption of any alcoholic beverages as defined by the Texas Alcoholic Beverage Code shall not be permitted.
 6. Only one Gaming Room shall be allowed on any lot or in any single building, structure, or tenant space in a strip center.

- B. In addition to the above requirements listed in section "A" the machine owner, proprietor/store owner, and manager must all undergo a background check.
 - 1. No permit shall be issued to a person who has a felony criminal conviction; or
 - 2. Any conviction pertaining to an offense which promotes gambling.
- C. Existing Gaming Rooms and or businesses with Amusement Redemption Machines must comply with Section 3(A)(1)(4) & (6) and all new businesses will comply with all of Section 3 prerequisites within 60 days of the effective date of this ordinance.

SECTION 4

Licensing

- A. A proprietor of any business, building, or space intent on establishing a gaming room or placing Amusement Redemption machines in their establishment must first apply for a "Gaming Room/Gaming Device" license within City Hall.
 - 1. An onsite inspection will be conducted by the Code Enforcement Officer, Fire Marshal and the Chief of Police to ensure all prerequisites for licensing are met.
 - 2. If the prerequisites for licensing are not met, the application will be denied.
 - a. The proprietor will be given 30 days from the date of denial to comply with the licensing prerequisites.
 - b. If after 30 days the prerequisites are not met, the application will be denied and the proprietor and/or business will be excluded from reapplying for the license for a period of 6 months.
 - 3. If all prerequisites are met and the Code Enforcement Officer, Fire Marshal and Chief of Police have approved the application, then the proprietor/business owner must provide a \$300.00 licensing fee to the City. This will ensure a license to operate for a period of one year.
 - a. Operating a gaming room or amusement redemption machine without a City Operations License is a violation of this chapter each day that the business is operating the gaming room or amusement redemption machine.
- B. Once a City Operating License is obtained the proprietor/business owner must register each machine that will be placed in the business.
 - 1. Each machine must be registered with the City including the serial number of the machine, owner of the machine, the owner of the space, and the manager of the business.
 - a. A manager of the business or the owner of the business must report any changes of ownership or managers within 10 business days. Any changes of ownership or new transfer of ownership will be subject to all regulations and

restrictions contained in this ordinance. Failure to comply is a violation of this chapter.

- b. Any removal or addition of an amusement redemption machine must be reported to the City within 3 business days.
 - i. A new amusement redemption machine must have a proper City Occupations Tax sticker before it can be operated.
- c. A City Occupations Tax of \$15.00 will be imposed on each machine per year pursuant to Texas Occupation Code 2153.451.
 - i. Each machine being operated without a City Occupations Tax sticker will be violation of this chapter each day it is being operated.

SECTION 5 Regulations/Restrictions

A. Any establishment containing amusement redemption machines:

- 1. Shall permit operation of the machines between the hours of Sunday-Thursday, 8:00 a.m. to 11:00 p.m. and Friday & Saturday, 8:00 a.m. to 1:00 a.m.
 - a. Playing of these machines after hours is a violation of this Code both for the manager on site and the person playing the machine.
- 2. Shall not permit any person under the age of 18 years to play any amusement redemption machine.
- 3. Are limited to the operation of amusement redemption machines only. Gambling devices shall not be allowed.
- 4. All establishments containing amusement redemption machines must operate as not to violate any portion of Section 3 Prerequisites of Licensing.
- 5. Must allow the Chief of Police, Code Enforcement Officer and Fire Marshal, or their designee to inspect the amusement redemption machines during the hours of operation.

B. Excluding Sections 3 (A) 2, 3, 5 and (B), any gaming room:

- 1. Must comply with Section 3 Prerequisites of Licensing during any operations of machines.
- 2. Must comply with Section 5 (A) of this chapter as well as:
 - a. Not operate more than 10 machines in any game room. Current business with machines prior to the passing of this ordinance may keep the same amount of machines; however if the business currently operates 10 machines or more,

no additional machines may be added to this business location. Once this ordinance is passed, the City will do an inventory of machines in each location.

- b. Must post the words "GAME ROOM" in black four inch letters with a white background on the front of the gaming room's entrance. The sign must be visible for at least 25 feet.
 - c. Must post a sign at the entrance of the game room that states the following in 2 inch black lettering with a white background:
GAMBLING AND THE PROMOTION OF GAMBLING IN THE STATE OF TEXAS IS ILLEGAL. THIS BUSINESS DOES NOT PAY CASH IN LIEU OF WINNINGS FROM ANY AMUSEMENT REDEMPTION MACHINE.
- C. Must allow the Chief of Police, Code Enforcement Officer and Fire Marshal, or their designee to inspect the gaming room and amusement redemption machines during the hours of operation.

SECTION 6 Violations

- A. Any first violation of this code will result in a fine not to exceed \$200.00 and a 15 day mandatory suspension of the establishment's City Operations License.
- B. A second violation will result in a fine not to exceed \$300.00 and a 30 day mandatory suspension of the establishment's City Operations License.
- C. A third violation of this code will result in a fine not to exceed \$500.00 and an indefinite suspension of the establishments City Operations License.

An establishment will not be eligible to reapply for a City Operations License for a period of two years from the start date of the indefinite suspension.

SECTION 7 Savings Clause

If for any reason any section, paragraph, subsection, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subsection, clause, phrase, word or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subsection, clause, phrase, word or provision hereof be given full force and effect for its purpose.

**SECTION 8
Conflict Clause**

That all ordinances, or parts of ordinances, in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**SECTION 9
Effective Date**

This ordinance shall take effect from and after its publication, one time, in the official newspaper of the City of Quitman, Texas. Said publication shall contain the caption stating in summary the purpose of the Ordinance and penalty for violation thereof.


PASSED APPROVED AND ADOPTED this 15th day of December, 2016.

APPROVED BY:



J. R. Evans, Mayor

ATTEST:



Gregory D. Hollen, City of Quitman, Texas
City Secretary / Administrator

STATE OF TEXAS 5
COUNTY OF WOOD 5
ORDINANCE NO. 0121516 (02)A

AN ORDINANCE AUTHORIZING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY RETIREES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of QUITMAN ("City") desires to provide health benefits coverage to its retirees;

WHEREAS, TML MultiState Intergovernmental Employee Benefits Pool is a health risk pool established pursuant to Texas Local Government Code Chapter 172, Texas Government Code Chapter 791, and the Texas Trust Code to provide health benefits coverage for employees and retirees and dependents of employees and retirees, of Texas political subdivisions under an Interlocal agreement;

WHEREAS, the City is currently offering health benefits coverage through the TML MultiState Intergovernmental Employee Benefits Pool pursuant to Interlocal agreement and Chapter 172 of the Texas Local Government Code, both of which would allow the extension of benefits to retirees of the City;

WHEREAS, the City desires to provide health benefits coverage to its retirees through the TML MultiState Intergovernmental Employee Benefits Pool and that the cost for such coverage be paid for *by the individual retiree or the City; (modify so addresses how the City wants coverage to be paid)*

WHEREAS, the City desires to select a plan of benefits for its retirees to be provided by the TML MultiState Intergovernmental Employee Benefits Pool; and

WHEREAS, providing retiree coverage under the TML MultiState Intergovernmental Employee Benefits Pool Interlocal Agreement is in the best interest of the City, its retirees, and the public generally;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY THAT:

SECTION 1: The foregoing recitals are incorporated into this Ordinance as findings of fact.

SECTION 2: The City hereby elects to provide health benefits coverage to its retirees through TML MultiState Intergovernmental Employee Benefits Pool under the Pool's Interlocal Agreement.

SECTION 3: The City hereby adopts the following definition of "retiree" for purposes of this ordinance:

SECTION 4: The Interlocal Agreement in effect between the City and the TML MultiState Intergovernmental Employee Benefits Pool provides that the Board of Trustees may adopt rules and regulations. The rules and regulations of the TML MultiState Intergovernmental Employee Benefits Pool allow the participating member entity to provide retiree medical coverage at the same contribution as charged to active employees, to select a contribution level which is an elevated percentage (150%, 160%, etc. which may change from time to time) of the active employee contribution or to offer over age 65 retirees a Medicare Supplement.

The City elects to have the retiree medical contribution for under age 65 retirees be _____ (choose either the same as the active employee or the current elevated percentage of the active employee) for as long as the TML MultiState Intergovernmental Employee Benefits Pool offers this rate structure for retiree medical coverage. The City elects to have the retiree medical contribution for over age 65 retirees be _____ (choose

either the same as the active employee or the current elevated percentage of the active employee or insert Medicare Supplement or Medicare Advantage rate). Other coverages will be as established annually by the TML MultiState Intergovernmental Employee Benefits Pool Board of Trustees.

SECTION 5: The City shall adopt on an annual basis any additional or alternative retiree benefit plans to be provided through TML MultiState Intergovernmental Employee Benefits Pool. The cost of these plans shall be paid for entirely by the retiree.

SECTION 6: This ordinance will only apply to individuals retiring after its effective date or to employees, which retired under a previous ordinance. For individuals retiring after the effective date of this ordinance to qualify they must enroll for this coverage within thirty (30) days of their retirement.

SECTION 7: This ordinance may be repealed or modified at any time, but will remain in effect for any employee retiring while it is in effect.

SECTION 8: The City Secretary is hereby ordered to enter a copy of this Ordinance in the City minutes.

SECTION 9: All existing City ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict.

SECTION 10: It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

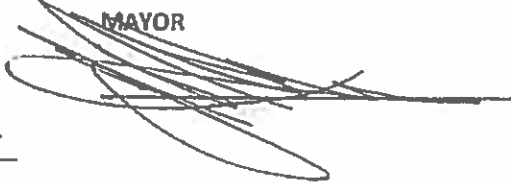
SECTION 11: This Ordinance shall be effective immediately upon its passage.

PASSED AND APPROVED this 15 day of December, 2016.

MAYOR

ATTEST:


City Secretary



STATE OF TEXAS 5
COUNTY OF WOOD 5
ORDINANCE NO. 021516 (02)6

AN ORDINANCE AUTHORIZING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY RETIREES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of QUITMAN ("City") desires to provide health benefits coverage to its retirees;

WHEREAS, TML MultiState Intergovernmental Employee Benefits Pool is a health risk pool established pursuant to Texas Local Government Code Chapter 172, Texas Government Code Chapter 791, and the Texas Trust Code to provide health benefits coverage for employees and retirees and dependents of employees and retirees, of Texas political subdivisions under an Interlocal agreement;

WHEREAS, the City is currently offering health benefits coverage through the TML MultiState Intergovernmental Employee Benefits Pool pursuant to Interlocal agreement and Chapter 172 of the Texas Local Government Code, both of which would allow the extension of benefits to retirees of the City;

WHEREAS, the City desires to provide health benefits coverage to its retirees through the TML MultiState Intergovernmental Employee Benefits Pool and that the cost for such coverage be paid for *by the individual retiree or the City; (modify so addresses how the City wants coverage to be paid)*

WHEREAS, the City desires to select a plan of benefits for its retirees to be provided by the TML MultiState Intergovernmental Employee Benefits Pool; and

WHEREAS, providing retiree coverage under the TML MultiState Intergovernmental Employee Benefits Pool Interlocal Agreement is in the best interest of the City, its retirees, and the public generally;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY THAT:

SECTION 1: The foregoing recitals are incorporated into this Ordinance as findings of fact.

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SECTION 3: The City hereby adopts the following definition of "retiree" for purposes of this ordinance:

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The City elects to have the retiree medical contribution for under age 65 retirees be _____
(choose either the same as the active employee or the current elevated percentage of the active employee) for as long as the TML MultiState Intergovernmental Employee Benefits Pool offers this rate structure for retiree medical coverage. The City elects to have the retiree medical contribution for over age 65 retirees be _____ *(choose*

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SECTION 7: This ordinance may be repealed or modified at any time, but will remain in effect for any employee retiring while it is in effect.

SECTION 8: The City Secretary is hereby ordered to enter a copy of this Ordinance in the City minutes.

SECTION 9: All existing City ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict.

SECTION 10: It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 11: This Ordinance shall be effective immediately upon its passage.

PASSED AND APPROVED this 15 day of December, 2016

ATTEST:


City Secretary


MAYOR

STATE OF TEXAS §
COUNTY OF WOOD §
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE OFFERING OF HEALTH BENEFITS COVERAGE TO CITY RETIREES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of QUITMAN ("City") desires to provide health benefits coverage to its retirees;

WHEREAS, TML MultiState Intergovernmental Employee Benefits Pool is a health risk pool established pursuant to Texas Local Government Code Chapter 172, Texas Government Code Chapter 791, and the Texas Trust Code to provide health benefits coverage for employees and retirees and dependents of employees and retirees, of Texas political subdivisions under an Interlocal agreement;

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SECTION 2: The City hereby elects to provide health benefits coverage to its retirees through TML MultiState Intergovernmental Employee Benefits Pool under the Pool's Interlocal Agreement.

SECTION 3: The City hereby adopts the following definition of "retiree" for purposes of this ordinance:

SECTION 4: The Interlocal Agreement in effect between the City and the TML MultiState Intergovernmental Employee Benefits Pool provides that the Board of Trustees may adopt rules and regulations. The rules and regulations of the TML MultiState Intergovernmental Employee Benefits Pool allow the participating member entity to provide retiree medical coverage at the same contribution as charged to active employees, to select a contribution level which is an elevated percentage (150%, 160%, etc. which may change from time to time) of the active employee contribution or to offer over age 65 retirees a Medicare Supplement.

The City elects to have the retiree medical contribution for under age 65 retirees be _____ *(choose either the same as the active employee or the current elevated percentage of the active employee)* for as long as the TML MultiState Intergovernmental Employee Benefits Pool offers this rate structure for retiree medical coverage. The City elects to have the retiree medical contribution for over age 65 retirees be _____ *(choose*

either the same as the active employee or the current elevated percentage of the active employee or insert Medicare Supplement or Medicare Advantage rate). Other coverages will be as established annually by the TML MultiState Intergovernmental Employee Benefits Pool Board of Trustees.

SECTION 5: The City shall adopt on an annual basis any additional or alternative retiree benefit plans to be provided through TML MultiState Intergovernmental Employee Benefits Pool. The cost of these plans shall be paid for entirely by the retiree.

SECTION 6: This ordinance will only apply to individuals retiring after its effective date or to employees, which retired under a previous ordinance. For individuals retiring after the effective date of this ordinance to qualify they must enroll for this coverage within thirty (30) days of their retirement.

SECTION 7: This ordinance may be repealed or modified at any time, but will remain in effect for any employee retiring while it is in effect.

SECTION 8: The City Secretary is hereby ordered to enter a copy of this Ordinance in the City minutes.

SECTION 9: All existing City ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict.


SECTION 10: It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 11: This Ordinance shall be effective immediately upon its passage.

PASSED AND APPROVED this 15 day of December, 2016.

MAYOR

ATTEST:


City Secretary



COBRA Continuation of Coverage Administrative Agreement

5. The Pool agrees to take over the remaining COBRA Continuation of Coverage administration for any of the Employer's current COBRA Continuation of Coverage participants, without Employer compensation, so long as the Employer furnishes the information necessary to effectuate the transfer.
6. This Agreement is entire as to all of the performance to be rendered under it. If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision of this Agreement shall be void and of no force and effect.
7. It is understood that the Pool will charge the COBRA Continuation of Coverage participant the administration fee allowed by the COBRA Continuation of Coverage statute.

VII. Termination

1. Term of this initial Agreement shall be from its effective date through January 1, 2018, at 12:00 a.m. The Employer may annually renew the Agreement for the subsequent twelve (12) month period by executing and returning the Pool's rerate notice and benefit selection for each year.
2. Either party may terminate this Agreement at any time by giving the other party written notice at least thirty (30) days prior to the specified date.
3. This Agreement terminates, without further notice, on the date the undersigned Employer is no longer an Employer of the Pool.
4. All records in possession of the Pool relating to COBRA Continuation of Coverage administration at termination of the Agreement will be transferred to the Employer within forty-five (45) business days.
5. Should this Agreement terminate for any reason it does not relieve either party of their duties nor obligations during the period when this Agreement was in full force and effect.

This Agreement is entered into for the Employer under authorization of Quitman City, at a duly called meeting

held on December 15, 2016 by:

COOAG, L


(Signature)

City of Quitman
(Employer/Group Name)

City Secretary / Administrative
(Authorized Official Title)

12/15/16
(Date)

This Agreement Entered Into and Accepted By:

TML MULTISTATE INTERGOVERNMENTAL EMPLOYEE BENEFITS POOL

BY: _____ at Austin, Texas _____
TITLE: (Executive Director) (Date)

7. The Pool will periodically provide the Employer, for their review, with the text of the letter and notices to be used in administering this Agreement. The Pool maintains final authority over the text of these letters and notices. The Pool reserves unto itself the right to modify the letters and notices as may be required pursuant to the COBRA Continuation of Coverage statute, any applicable case law and to promote the efficient administration of the Agreement.
8. To the extent allowed by law, the Pool will indemnify, defend, reimburse, and hold harmless the Employer and its employees from any and all liabilities, claims, demands, or suits arising from or related to the provision of COBRA Continuation of Coverage administrative services unless those liabilities, claims, demands, or suits arise out of the Employer's failure to give any notice as required in II, 1, 2, 3, 4, 5 and 6 of this Agreement. This notice is required by the agreement or by law. The Pool, upon notice by the Employer will immediately investigate, handle, respond to and defend any such claims, demands or suits at the Employer's sole expense. If the liability, claim, demand or suit is based on negligence this contract of indemnity shall apply and the negligence of the Employer and the Pool will be on a percentage basis as in a pure comparative negligence situation under the law.
9. The Pool's responsibilities under this contract are for COBRA Continuation of Coverage that the Employer is required to provide under Federal law, and does not have any responsibility for other benefits such as group life insurance or disability.

IV. Notice

Any notice to be given under this Agreement, other than those in II, 1, 2, 3, 4 and 5 of this Agreement, shall be deemed given and received on the first to occur of the following: (a) actual receipt by the party to be notified; or (b) five days after deposit of such notice in the US Mail system if sent by Certified Mail, Return Receipt Requested, postage prepaid, and addressed to the party to be notified at the address of such party set forth below or as designated from time to time in writing by giving not less than ten days in advance notice to the other party. The initial addresses for the Pool and Employer shall be as follows:

Address of Pool

Executive Director

 TML MultiState Intergovernmental Employee Benefits Pool

 Texas Municipal Center

 1821 Rutherford Lane, Suite 300

 Austin, Texas 78754-5151

Address of Employer

City of Quitman

 401 East Goode Street

 Quitman, Texas 75783

V. Compensation

1. The Employer will pay the Pool a one-time \$50.00 set up fee and a \$0.50 Per Participant Per Month fee for each participating participant per month that enrolls in COBRA Continuation of Coverage.
2. Other special services which may be requested by the Employer but are not contained in this Agreement will be billed at a mutually agreeable hourly rate.

VI. Miscellaneous Provisions

1. This Agreement represents the complete understanding of the parties and may not be modified or amended without the written agreement of both parties.
2. The parties agree that venue for any dispute arising under the terms of this Agreement shall be in Austin, Travis County, Texas.
3. The parties agree that venue for any dispute arising out of the performance under their Agreement shall be in Austin, Travis County, Texas.
4. In performing the administrative services under this Agreement, the Pool may rely without qualification on the information provided by the Employer.