

**ATTORNEY GENERAL  
PAXTON PRESENTATION  
– GLOBAL OPIOIDS  
SETTLEMENT – WHAT IF  
MEANS FOR TEXAS**



KEN PAXTON  
ATTORNEY GENERAL *of* TEXAS

# Global Opioids Settlement

## What it means for Texas

This presentation is for informational purposes and does not constitute legal advice.

# Opioids Crisis Update

- In 2020, drug overdose deaths **rose nearly 30%** in the United States to a **record high** of 93,000.
- Opioid overdose deaths hit a **record 69,000** in the United States.
- In Texas, **drug overdose deaths also increased by 31.9%**, driven primarily by opioid overdose deaths.
- The opioid overdose death increase was driven by fentanyl and other synthetic opioids.
- Attorney General Paxton's [website](#) has information to protect Texans from the nation's opioid crisis by educating them about the dangers of misusing prescription opioids.

#### Sources:

"Provisional Drug Overdose Death Counts." Centers for Disease Control: National Center for Health Statistics (last accessed July 23, 2021), <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

"U.S. Drug-Overdose Deaths Soared Nearly 30% in 2020, Driven by Synthetic Opioids." Betsy McKay, Wall Street Journal (July 14, 2021), <https://www.wsj.com/articles/u-s-drug-overdose-deaths-soared-nearly-30-in-2020-11626271200>

# Opioids Settlements

- On **July 23, 2021**, Attorney General Paxton announced global settlements had been reached with the three major opioid distributors **McKesson, Cardinal Health, and Amerisource Bergen (ABDC)**, and opioid manufacturer **Johnson & Johnson (J&J)**.
  - Both settlements are a combined historic **\$26 billion**.
    - The distributors' settlement is for **\$21 billion**.
    - J&J's settlement is for **\$5 billion**.
- The settlements include injunctive relief that changes the industry.

# Opioids Settlements

- Texas could receive as much as **\$1.17 billion from the distributors** and **\$268 million from J&J** for **almost \$1.5 billion**, most of which is targeted for opioid abatement.
- The actual amount Texas receives will depend upon the participation of cities, counties, and other political subdivisions in the state.
- Texas has 30 days to decide to join both settlements.

# Opioids Settlements

- Injunctive Relief in the Settlements:
  - J&J is enjoined from manufacturing, selling, and promoting opioids for 10 years.
  - Distributors must establish a centralized clearinghouse jointly overseen by states and distributors.
  - Distributors will be required to take certain measures to detect suspicious orders.

# Opioids Settlements

- Mechanics of the Monetary Settlement:
  - Texas's overall allocation is 6.29% of the Global Amount – potentially almost **\$1.5 billion** over 18 years from:
    - Distributors - **\$1.17 billion** over 18 years.
    - J&J - over **\$268 million** over 9 years.
  - Annual payments are split into base and incentive payments as follows:
    - Distributors - 55% base, 45% incentive
    - J&J - 45% base, 55% incentive
  - All incentive payments deal with preventing future litigation by subdivisions and incentivizing subdivision sign on.

# Offsets and Suspension of Payments

- If a subdivision who hasn't sued decides to sue later, there is a suspension of payments and a potential offset of those payments.
- Size of the suspension and a potential offset depend on several factors, but the distributors' deal applies a maximum offset in the amount of 67% against the suspension and/or future payments.
- If that lawsuit is resolved, suspended payments resume. If the lawsuit requires payment, the amounts held are used to offset the amount paid.



# Goal: Bring the Most Money to Texas

- There are a combination of approaches that Texas could take to maximize funds with the participation of litigating subdivisions and nonlitigating subdivisions.
- This can be obtained by getting releases for past and future claims from all litigating subdivisions and special districts, all general-purpose subdivisions over 10,000 population, and covered special districts.
- Texas has 128 litigating subdivisions:
  - 110 Counties.
  - 5 Cities.
  - 10 Hospital Districts.
  - 3 School Districts.
- Texas has 406 general purpose subdivisions with a population of over 10,000 (309 nonlitigating and 97 litigating).
- Currently, the best option for Texas to maximize incentive funds is through a partnership with political subdivisions, where a large percentage agree to release claims.

# How Settlement Dollars Flow into Texas

- By signing on to the Settlement and executing a release, you increase the funds coming into Texas and will be entitled to a portion of the funds that Texas receives.
- Texas and Participating Subdivisions alike get direct payments under the settlement.
- Cities and Counties will also get funding for abatement programs from the Opioid Council.
- Question: If my county signs up and executes a release, how do I get dollars to my county?
- Answer: SB 1827 (87R) and the Texas Term Sheet

# Texas Term Sheet and SB 1827

- Goal of the Texas Term Sheet: Provide Texans in **all 254 counties** with the opportunity for funding for education, prevention, and treatment of opioid abuse.
- SB 1827 (87R) codifies the Texas Term Sheet and establishes the **Texas Opioid Council (Council)** to ensure that the funds recovered by Texas are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.
- 85% of the funds under the Settlement will be deposited into the Opioids Abatement Trust Fund:
  - 15% to directly to subdivisions.
  - 70% share to abatement programs.

# Example Opioid Fund Allocations

*These amounts are estimates only based on maximum recoveries*

- Assuming (1) your subdivision executes a release and signs on to the Texas Term Sheet, and (2) Texas receives maximum funds from the distributors and J&J, what kind of funding does that mean for my subdivision?

- Example 1 – direct payments to cities and counties:

Subdivision	Distributors	J&J	Total
Brazoria County	\$1,013,429.26	\$232,935.37	\$1,246,364.63
City of Edinburg	\$119,977.07	\$27,576.57	\$147,553.64
City of Houston	\$6,969,111.93	\$1,601,841.11	\$8,570,953.04
League City	\$300,149.11	\$68,988.87	\$369,137.98
City of Longview	\$478,635.88	\$110,013.82	\$588,649.71
City of McKinney	\$447,004.00	\$102,743.27	\$549,747.27
City of Odessa	\$554,967.87	\$127,558.63	\$682,526.50
City of Round Rock	\$472,420.87	\$108,585.31	\$581,006.17
Starr County	\$99,146.53	\$22,788.70	\$121,935.23
City of Waxahachie	\$150,952.91	\$34,696.33	\$185,649.24

# Example Opioid Fund Allocations

*These amounts are estimates only based on maximum recoveries*

- Assuming (1) your subdivision executes a release and signs on to the Texas Term Sheet, and (2) Texas receives maximum funds from the distributors and J&J, what kind of funding does that mean for my subdivision?
- Example 2 – Abatement allocations by Regions for Treatment Programs

Region	Distributors	J&J	Total
Region 3 (Austin, Calhoun, Chambers, Colorado, Fort Bend, Harris, Matagorda, Waller, Wharton)	\$121,270,842.23	\$27,873,941.89	\$149,144,784.13
Region 5 (Cameron, Hidalgo, Starr, Willacy)	\$17,664,324.97	\$4,060,121.61	\$21,724,446.58
Region 9 (Dallas, Kaufman)	\$66,659,834.77	\$15,321,674	\$81,981,509.18
Region 15 (El Paso, Hudspeth)	\$18,039,679.50	\$4,146,396.35	\$22,186,075.85

# Opioid Lawsuits Timeline (1 of 3)

- In **September 2017**, Attorney General Paxton and a **bipartisan coalition of 40 other states** served investigative subpoenas and additional requests on eight companies that manufacture or distribute highly addictive opioids to evaluate whether manufacturers and distributors engaged in unlawful practices in the marketing, sale, and distribution of opioids.
- **May 15, 2018**, Texas filed a **lawsuit against Purdue Pharma** for violating state laws against deceptive trade practices and misrepresenting the risk of addiction to patients and doctors.
- On **September 4, 2019**, Attorney General Paxton announced that a **civil Medicaid fraud lawsuit** had been filed against pharmaceutical manufacturer **Johnson & Johnson** for misrepresentations made to the Texas Medicaid program about their dangerous opioid drug, Duragesic.
- Purdue Pharma files for Chapter 11 Bankruptcy in **September 2019**.

# Opioid Lawsuits Timeline (2 of 3)

- In **February 2020**, Attorney General Paxton announced a global settlement framework between state attorneys general, local subdivisions, and Mallinckrodt (MKN). MKN is currently the largest generic opioid manufacturer in the United States. In the agreement, MKN agreed to pay **\$1.6 billion in cash** to a trust that will cover the costs of opioid addiction treatment and related efforts, with the potential for increased payment to the trust.
- On **May 13, 2020**, Attorney General Paxton reached a bipartisan agreement with Texas Counties and Cities in preparation for settlement with opioid defendants: **McKesson, Cardinal Health, ABDC, and Johnson & Johnson**. Texas is one of the lead states currently negotiating financial settlements with the nation's largest companies in the opioid supply chain.



# Opioid Lawsuits Timeline (3 of 3)

- In **February 2021**, Attorney General Paxton and 46 states entered into a settlement with McKinsey, a consulting firm that assisted Purdue and others with their marketing of prescription opioids, for **\$583 million and injunctive relief**. The funds are earmarked to remediate the harms caused by the opioid epidemic and to recover the costs incurred in investigating and pursuing these claims.
- On **July 23, 2021**, Attorney General Paxton announced the global settlement had been reached with opioid defendants **McKesson, Cardinal Health, ABDC, and Johnson & Johnson**.



## Next Steps

- To join the Settlement, Subdivisions need to:
  - Sign on the to settlement and execute releases; and
  - Execute the Texas Term Sheet.
- The deadline to sign on is approximately 120 days after the state sign-on period, estimated January 2, 2022.



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For more information, visit  
[www.texasattorneygeneral.gov/globalopioidsettlement](http://www.texasattorneygeneral.gov/globalopioidsettlement)

Questions? Email [opiods@oag.texas.gov](mailto:opiods@oag.texas.gov)



## SUMMARY OF PROPOSED OPIOID SETTLEMENTS

### BACKGROUND

Texas, along with a broad coalition of states and subdivisions, has reached final agreements with four companies to resolve legal claims against for their role in the opioid crisis. One agreement is with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson.

### FINANCIAL TERMS

The two agreements provide for \$26 billion in payments over 18 years, with \$23.9 billion available for opioid abatement and significant amounts front loaded. Funding will be distributed to states according to the allocation agreement reached among the Attorneys General. Subdivisions can only participate in the agreement if their state participates. Texas' combined share is almost \$1.5 billion: \$1.17 billion from the distributors and \$268 million from J&J. Distribution within Texas is handled through an intrastate agreement between the state and litigating subdivisions. The funding must be used to support any of a wide variety of strategies to fight the opioid crisis. Separate provisions exist to compensate attorneys who have pursued opioid litigation on behalf of states and local governments.

Once the state agrees to participate, then the more subdivisions that join, the more money everyone in Texas will receive. Future opioid litigation may result in suspension and reduction of

payments. Even without full resolution of claims, states and subdivisions can still receive substantial payments by resolving a significant portion of current and future claims.

### INJUNCTIVE TERMS

Both agreements both contain industry-changing injunctive terms. The distributors will be subject to more oversight and accountability, including an independent monitor, to prevent deliveries of opioids to pharmacies where diversion and misuse occur. They will be required to establish and fund an independent clearinghouse to track opioid distribution nationwide and flag suspicious orders. J&J will be prohibited from selling or promoting opioids.

### HOW TO JOIN

To adopt the settlement and allocation schedule, you need to:

1. sign the Subdivision Settlement Participation Form;
2. adopt the Texas Term Sheet and its intrastate allocation schedule;
3. return both to [opioids@oag.texas.gov](mailto:opioids@oag.texas.gov).

The deadline for states to sign on is August 21, 2021. Subdivisions in participating states then have through January 2, 2022, to join.

**FOR MORE INFORMATION, PLEASE VISIT:**  
[www.texasattorneygeneral.gov/globalopioidsettlement](http://www.texasattorneygeneral.gov/globalopioidsettlement)



**CITY COUNCIL  
MEETING AGENDA ITEM COVER MEMO  
NOVEMBER 16, 2021**

To: Mayor and City Council  
Agenda Item: Action Item 5 – Renew West Texas National Bank Depository Contract  
Submitted By: Megan Antrim, Interim City Manager

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**SYNOPSIS**

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Consider adopting a resolution supporting a one (1) year renewal of the depository contract with West Texas National Bank.

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**BACKGROUND**

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In 2016, the City of Alpine requested proposals for bank depository services. West Texas National Bank was selected by Council at the December 7, 2016 Council meeting to commence services January 1, 2017. The current depository contract is set to expire December 31, 2021. West Texas National Bank during the initial contract has provided excellent customer service, assisted with checks and balances during transitions, and continuously monitors the City's funds to ensure the City is protected.

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**SUPPORTING MATERIALS**

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1. Resolution 2021-11-14
  - a. West Texas National Bank – RFP Response Bid Form

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**STAFF RECOMMENDATION**

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**Staff recommends adoption of resolution for one (1) year renewal.**

Interim City Manager

Megan Antrim

STATE OF TEXAS

CITY OF ALPINE

COUNTY OF BREWSTER

**RESOLUTION 2021-11-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS  
APPROVING THE RENEWAL OF THE CITY OF ALPINE BANK DEPOSITORY  
CONTRACT WITH WEST TEXAS NATIONAL BANK FOR ONE (1) YEAR.**

**WHEREAS**, the City Council of the City of alpine awarded a four (4) year depository contract with West Texas National Bank on December 6, 2016 at the Regular City Council Meeting; and

**WHEREAS**, the initial contract effective commencement date of January 1, 2017 and included an expiration date of December 31, 2021; and

**WHEREAS**, with expiration of the contract approaching, the City Council deems an additional one (1) year extension of the contract to be in the best interest of the City; and

**WHEREAS**, at the November 16, 2021 regular meeting, the City Council voted in favor of approving the one (1) year renewal passed on a motion made by Councilor \_\_\_\_\_ and seconded by Councilor \_\_\_\_\_, and carried \_\_\_\_\_ by the City Council.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I.** The City Council hereby authorizes approves a one (1) year renewal of the West Texas National Bank depository contract.

**SECTION II.** This resolution is effective immediately upon its passage.

**PASSED, APPROVED, AND ADOPTED BY A MAJORITY VOTE OF THE CITY COUNCIL ON THIS THE 16<sup>th</sup> DAY OF NOVEMBER 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

\_\_\_\_\_  
Andres "Andy" Ramos, Mayor

**ATTEST:**

\_\_\_\_\_  
Geoffrey R. Calderon, City Secretary

SUPPLEMENT A – BANK DEPOSITORY RENEWAL

**WEST TEXAS NATIONAL  
BANK – RFP RESPONSE  
AND BID FORM**

**CITY OF ALPINE  
RFP FOR BANKING SERVICES  
BID FORM**

December 2, 2016

City of Alpine  
c/o Megan Antrim  
Director of Finance  
100 North 13<sup>th</sup>  
Alpine, Texas 79830

Dear Ms. Antrim,

In accordance with your bid notice, West Texas National Bank ("Bidder"), a national banking association, for privilege of acting as Depository of the City of Alpine hereinafter called City, for a term of four years beginning January 1, 2017, and ending December 31, 2021 or until such time as a successor Depository is selected and qualified, agrees to:

**Accounts Offered**

Type of Account	Criteria for Account	Interest Rate Basis
Demand Deposit Accounts	(see below)	.85 times the applicable Treasury Bill Rate = Daily Periodic Rate (see below)
Certificates of Deposit	(see below)	(see below)
Extensions of Credit	(see below)	(see below)

**DEMAND DEPOSIT ACCOUNTS**

West Texas National Bank will waive all normal and customary transactions fees on demand deposit accounts. The City will pay for its own checks and deposit slips will be provided by the bank. There are no limitations on the number of transactions an account may have.

West Texas National Bank will pay interest each month as it accrues on all funds deposited with it by the City on demand deposits at a rate to be determined as described herein:



We use the daily balance method to calculate the interest on these accounts. This method applies a daily periodic rate to the principal collected balance in the account each day. The periodic rate will be calculated as follows: **.85 times the applicable Treasury Bill Rate = Daily Periodic Rate.** *The applicable Treasury Bill Rate is defined as the most recent "Bid" price for 13-week U. S. Treasury Bills (secondary market) as shown in the latest available publication of the Wall Street Journal on the first business day of the month.*

The rates thus resulting are to be rounded, up or down, to the nearest hundredth of one percent, but not to exceed the rates on such deposits as authorized from time to time by regulations prescribed by the Board of Governors of the Federal Reserve System or other Federal Regulatory Agency.

Bidder should submit a sample of monthly account statement or a sample of the monthly billing document. (see attached)

### **OVERDRAFTS**

The City will maintain funds in each of its accounts sufficient to cover any and all checks or other debits drawn against a respective account. Funds in one account may not be used to cover withdrawals from another. Fees for items presented against an account with insufficient funds will be waived. There will be no insufficient funds handling charges levied for drawing against uncollected funds and West Texas National Bank does not track daylight overdrafts.

### **INTEREST BEARING TIME DEPOSIT (CERTIFICATE OF DEPOSIT) ACCOUNTS**

#### **A. TIME DEPOSIT ACCOUNTS OF \$10,000.00 TO \$99,999.99 WITH A MATURITY OF 90 DAYS OR MORE**

Deposits in this type of account must be in the form of a Certificate of Deposit. The interest rate on this type account will be fixed on the date the Certificate of Deposit is issued, and will be at the discount rate quoted in the Money Rate Section of the *Wall Street Journal* for the most recent auction of 26-week Treasury Bills LESS SEVENTY FIVE BASIS POINTS (.75%). However, in no event, shall the interest rate on this term and amount of Certificate of Deposit be less than 0.25%. No Certificate of Deposit of this type will be issued for less than \$10,000.00 or for a term of less than 90 days.

#### **B. TIME DEPOSITS OF \$100,000.00 OR MORE WITH A MATURITY OF 30 DAYS TO 179 DAYS**

Deposits in this type of account must be in the form of a Certificate of Deposit. The interest rate on this type account will be fixed on the date the Certificate of Deposit is issued, and will be at the discount rate quoted in the Money Rate Section of the *Wall Street Journal* for the most recent auction of 26-week Treasury Bills LESS FIFTY BASIS



**POINTS (.50%). However, in no event, shall the interest rate on this term and amount of Certificate of Deposit be less than 0.25%. No Certificate of Deposit of this type will be issued for less than 30 days or more than 179 days.**

**C. TIME DEPOSITS OF \$100,000.00 OR MORE WITH A MATURITY IN EXCESS OF 179 DAYS**

**Deposits in this type of account must be in the form of a Certificate of Deposit. The interest rate on this type account will be fixed on the date the Certificate of Deposit is issued, and will be at the discount rate quoted in the Money Rate Section of the *Wall Street Journal* for the most recent auction of 26-week Treasury Bills LESS TWENTY-FIVE BASIS POINTS (.25%). However, in no event, shall the interest rate on this term and amount of Certificate of Deposit be less than 0.25%.**

Interest on all time deposits will be computed on a 365/365-day basis, will not be compounded, and will be paid at maturity. All Certificates of Deposit that have not matured upon expiration of this Contract shall remain on deposit with West Texas National Bank under the same term in effect during this Contract, until such time as the Deposit matures.

**EXTENSIONS OF CREDIT**

West Texas National Bank will consider applications for loans submitted by City from time to time during the term of this contract. Such loan applications will be subject to normal credit underwriting requirements of the Bank, and will be subject to approval by the Bank's Board of Directors or appropriate Loan Committee designated by the Board of Directors. Approval of any such loans will also be subject to compliance with all applicable statutes and regulations pertaining to loans to public entities. The interest rate for any such loans will be a variable rate equal to the Prime Rate as quoted in the latest available publication of the *Wall Street Journal*, adjusted daily. The maturity date of any such loans may not exceed the term of this contract.

**Collateral Requirements**

Collateral to be provided as specified: Yes ☒ No ☐

**All funds deposited by the City with West Texas National Bank, in the capacity as your Depository, which are not insured by the Federal Deposit Insurance Corporation, will be secured by pledge of a Federal Home Loan Bank Irrevocable Standby Letter of Credit in an amount sufficient to cover the City's ledger deposits. *If Letters of Credit issued by the Federal Home Loan Bank are not acceptable as collateral under this Contract, then the City should not accept this bid.***

The Federal Home Loan Bank Letter of Credit pledged as collateral will have its expiration date stated on the face of the Letter of Credit, and no monthly report shall be necessary.

Third Party Safekeeping/Clearing Agent: Yes \_\_\_\_\_ No X \_\_\_\_\_

West Texas National Bank does NOT offer Investment or Safekeeping Services. Should you desire to invest your excess funds subject to this Agreement by the direct purchase of U. S. Treasury Bills, Notes, Bonds, or other investments, you will need to arrange for the purchase of such securities directly from the institution of your choice. We do not offer assistance in such purchases other than wire transfers in accordance with your instructions. Delivery and safekeeping of any securities purchased directly by you will be your responsibility.

Provide a written cost proposal with this form. (not applicable as WTNB does not provide safekeeping services)

Listing of securities to be initially pledged:

Federal Home Loan Bank Irrevocable Standby Letter of Credit #8817000412 in the amount of \$3,750,000.00 dated February 1, 2016 expiring on January 31, 2017. The original Letter of Credit was sent to the City of Alpine and should be in the City's possession. (see copy attached) \_\_\_\_\_

Bidder should submit a copy of the Safekeeping Agreement to be used in the event of Depository award. (see attached copy of FHLB LOC)

#### Banking Services Cost

Monthly Maintenance Charge	\$ -0-	Per Account
Credit Entries	\$ -0-	Per Item
Debit Entries	\$ -0-	Per Item
Items Deposited	\$ -0-	Per Item

Wire Transfers – Incoming	\$ -0-	Per Item
Wire Transfers – Outgoing	\$ -0-	Per Item
Returned Checks	\$ -0-	Per Item
Stop Payment	\$ -0-	Per Item
Photo Copies (account items)	\$ -0-	Per Item
Telephone Balance Inquiries	\$ -0-	Per Item
Bank Drafts	\$ -0-	Per Item
Extra Statements	\$ -0-	Per Item
Check sorting numerically	\$ -0-	Per Item
Direct Deposit – Payroll Transactions	\$ -0-	Per Item
Online Transaction Detail	\$ -0-	Per Item
Other	\$ NA	Per Item

Indicate methodology used to compute earning allowance:

Not applicable, no service charges or fees will be assessed on deposit accounts that would require an earnings credit for offset \_\_\_\_\_

**Banking Services Cost – Continued**  
**Other Services and Supplies**

Will Provide

Service	Yes/No	Charge	Comments
Deposit Slips	Yes	No charge	
Locking Bank Bags	Yes	One free	Additional available at \$25 each
Safety Deposit Box	Yes	One free 5 X 10	Subject to availability

Coin Envelopes	Yes	No charge	
Currency Bands	Yes	No charge	
Money Orders	No	NA	We do not sell money orders
Cashier's Checks	Yes	No charge	
Traveler's Checks	No	NA	We do not sell travelers checks
Letter of Credit	See extensions of credit	See extensions of credit	

### Suggestions

Offer any suggestions to improve services and/or offer cost savings:

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### Banking Services Cost – Continued Other Services Offered

1. Bank will honor as current day posting all transactions received by \_\_\_\_ Six \_\_\_\_\_ o'clock when delivered to the bank facility.
2. Bank should describe online services available to the customer by computer/modem hookup such as daily transaction lists, balance inquires, automated wire transfers, transfers between City accounts.

You may use our *Cash Management System* for online, real-time access to account histories, balances and transactions, images of checks (front and back), and statements for each of your accounts.

You will be able to transfer funds, originate ACH debits and credits, send wire transfers, upload payroll, review exception items, and perform other cash management functions. You will be able to place stop payments using the online system. We will provide unlimited telephone support during banking hours for its use.

### **3. Other services offered:**

#### **REMOTE DEPOSIT CAPTURE**

West Texas National Bank offers a convenient remote deposit capture service, that provides the City the ability to process your check deposits in-house. We can provide software and image capture devices so you can deposit your checks electronically and conveniently. The fee for this service will be waived for the first scanner installation, if wanted, additional scanner installations will be at the rate in effect, currently \$76.04/month.

#### **POSITIVE PAY**

West Texas National Bank has a Positive Pay system. City may elect to submit, daily, a file of issued checks to our *Cash Management System*. We will compare checks presented for payment to the checks issued file, and show City the exceptions online. City may then make the pay or return decision regarding any checks presented but not shown on its checks issued file. We will work with you to get this set up so that it reduces the work now required for City to reconcile its accounts. The fee for this service will be waived.

### **4. Questions Requiring Responses:**

- i. Provide the name and location of the disbursement bank that would be handling the City's checks. How many check presentments will this bank have? What times are these presentments made? What percent of the dollars are received at each presentment? What are the average daily dollars and items at each Controlled Disbursement site? WTNB does not offer Controlled Disbursement accounts.
- ii. Please provide an estimate of the disbursement bank's clearing times from the most current survey available. NA
- iii. What back-up arrangements for check processing exist in case of system failures? The WTNB has a Business Continuity Plan and check processing can be completed at other branches if necessary.
- iv. Please describe the partial or full reconciliation service offered by the bank and attach a sample reconciliation statement. WTNB does not offer partial or full reconciliation services.
- v. How long are stop payment orders effective? 6 months. Does the bank offer automated stop-payment including confirmations over

an online system? Stop payments maybe entered in our online banking system.

- vi. Automatic Payroll Direct Deposit is a service the City offers its employees. The City has an average of 68 employees and 49 are set up for direct deposit for payroll. The bank would be required to produce bi-weekly payroll transfers furnished by the City in ACH format for transfer of funds directly to the employee bank, savings and loan, or credit union account. Please state the bank's procedure for this service and list appropriate cut-off times that would apply. WTNB offers ACH Origination services through which you may originate an ACH file online or upload an ACH file from an accounting software. The daily submission deadline is 3:00 pm on business days.
- vii. Has the bank had any significant problems noted by regulatory agencies in the past 24 months? No. If yes, please explain. Indicate the bank's capital to assets and return on assets ratios for the last three years.
- viii. Please describe the process by which service problems can be resolved. What person or organizational unit is available for complaint or problem resolutions? Linda Lassiter, Branch Manager, will be the primary contact on the account. David Rogers will be the backup contact on the account. These Officers are experienced, knowledgeable and have direct access to all of WTNB's human and technical resources.
- ix. The City may have ACH debit and credit transactions in addition to auto-mated payroll deposit services and utility billing drafts. Does the bank have a service that allows the City to specify certain parameters under which the transactions would be either accepted or blocked? If so, please describe the service, list charges, and attach a sample agreement. ACH items originated by the City may be reversed up to 3 business days following the effective date. Third party ACH items may be blocked by Company ID with a stop payment. The fee for both would be waived.
- x. Describe any other cash management or banking services that could be offered to the City. List all charges that apply. See item 3 above regarding Remote Deposit Capture and Positive Pay.
- xi. For what period of time can checks, account statements, and voids be viewed online? 12 months
- xii. What are the specific status messages when inquiring online on a check? Paid or pending.

- xiii. What systems are compatible with your online banking system?  
Apple iPad, iPhone, Android, etc.. Apple iPad by URL
- xiv. How often do you experience system issues? What is the turnaround time for resolution? Rarely, 30 minutes to 1 hour.
- xv. Are all uncashed checks on an outstanding check list, regardless of the age of the check? See item iv above.
- xvi. Detail your procedures and cut-off times for ACH payments. Daily ACH submission deadline is 3:00 pm on a business day
- xvii. Identify in your proposal the provisions for the release of wire transfers. The deadline for online wire transfer submissions is 3:00 pm each business day.
- xviii. Please provide an explanation of your positive pay service, including what information will be provided to the City, and also what file layouts and methods are used for transmission of information. See item 3 above Other Services offered.
- xix. What is the time frame for implementation? 15 – 30 days
- xx. In addition to the reports listed under "Internet Banking Requirements," detail any other internet services available. Provide detail on the timing of when current day transactions are available for viewing online. Memo-posted items are noted same day and images are available next day.

The undersigned hereby certifies that he understands all the terms, conditions, and specifications and has read them carefully and will furnish and deliver all articles or services specified within this document as is or with the exceptions noted below:  
None.

This proposal was requested by the City and is made by Bidder with the expressed agreement and understanding that the City reserves the right to reject any and/or all proposals and the further right that if any portion or provision of this bid and/or any contract between the Bidder and City entered into by virtue thereto is invalid, the remainder of this bid and/or resulting contract at the option of the City shall remain in full force and effect, and not be affected by said invalid portion or provision.

#### **Bidder Stipulation:**

West Texas National Bank will require the City of Alpine to furnish us with a written statement outlining specific authority and procedures for City of Alpine Officials to invest in certificates of deposits, initiate wire transfers, and any other approved activities not governed by demand deposit account signature cards. The statement

must detail those activities that may be authorized orally, and by whom, and those activities that must be authorized in writing, and by whom. Specimen signatures of those authorized to initiate such activities must be included in the written statement.

This Proposal is made subject to the rules and regulations governing such deposits promulgated, from time to time, by the Federal Reserve Board, the Federal Deposit Insurance Corporation, or the Comptroller of the Currency of the United States. Should any of the terms of this Agreement, or any Depository Agreement resulting hereunder, be or become, at any time, in conflict with such rules and regulations, then this Agreement shall be amended to comply with such rules and regulations.

Should the City accept this proposal, it is agreed that this agreement may be cancelled by consent of the two parties involved or, by written notification by either party at least sixty (60) days prior to the cancellation of the agreement.

West Texas National Bank is pleased to have the opportunity to bid on serving as your Depository, and we look forward to continuing this relationship. Should you have any questions concerning this Proposal, please feel free to contact us.

Respectfully submitted,

By:   
Dave Rogers, Regional President


Bank Name \_\_\_\_\_ West Texas National Bank  
Telephone \_\_\_\_\_ 432-837-3375  
Fax \_\_\_\_\_ 432-837-5758  
Email \_\_\_\_\_ drogers@wtNB.com  
Date \_\_\_\_\_ December 2, 2016

Approved and accepted this \_\_\_\_ day of \_\_\_\_\_, 2016.

City of Alpine

By:   
Signature

CITY MANAGER  
Title

Attest  
By:   
Signature

Asst. FIRE CHIEF  
Title



## Vendor Acknowledgment Form

The undersigned hereby certifies that he/she understands the specifications, has read the document in its entirety and that the polices submitted in this bid/proposal have been carefully reviewed and are submitted as correct and final. Vendor further certifies and agrees to furnish any or all products/services upon which prices are extended at the price offered, and upon conditions in the specifications of the Invitation for Bid/Proposal.

The following information must be filled out in its entirety for your proposal to be considered.

Company Name: \_\_\_\_\_ WEST TEXAS NATIONAL BANK

Address of Principal Place of Business: \_\_\_\_\_ 101 E AVENUE E  
\_\_\_\_\_ ALPINE TX 79830

Phone/Fax of Principal Place of Business: \_\_\_\_ 432-837-3375 PH; 432-837-5758 FAX

Email Address of  
Representative: \_\_\_\_\_ drogers@wtmb.com

Authorized Representative:

Signature:  \_\_\_\_\_

Title: \_\_\_\_\_ REGIONAL PRESIDENT

Date: \_\_\_\_\_ DECEMBER 2, 2016

Printed Name: \_\_\_\_\_ DAVID G. ROGERS

## VENDOR SUPPLEMENTAL INFORMATION

The following information is required for contract development.

1. In what state was your business formed? \_\_\_\_\_ TEXAS

2. Provide the following information for the person authorized to execute contracts on behalf of your organization:

Name\_ David G. Rogers \_\_\_\_\_ Title\_ Regional President \_\_\_\_\_

Mailing Address\_ PO Box 1769 \_\_\_\_\_

City, State, Zip\_ Alpine Texas 79831 \_\_\_\_\_

3. Provide the following information for the contact person authorized to implement this contract on behalf of your organization:

Name\_ Linda M. Lassiter \_\_\_\_\_ Title\_ Branch Manager \_\_\_\_\_

Mailing Address\_ PO Box 1769 \_\_\_\_\_

City, State, Zip\_ Alpine Texas 79831 \_\_\_\_\_

Email address\_ llassiter@wtmb.com \_\_\_\_\_

4. Select and complete one of the following:

Is your business a

Sole Proprietorship \_\_\_\_\_

General Partnership \_\_\_\_\_

Omitted Partnership \_\_\_\_\_

Corporation \_\_\_\_\_

Limited Liability Company \_\_\_\_\_

Other Entity (not listed)\_ National Banking Association \_\_\_\_\_

Legal Name of Business\_ WEST TEXAS NATIONAL BANK \_\_\_\_\_

Business Address\_ 6 DESTA DRIVE SUITE 2400 \_\_\_\_\_

City, State, Zip\_ MIDLAND TX 79705 \_\_\_\_\_

## CLIENT WORK HISTORY

List all references for contracts similar in scope.

1. Client Name: \_\_\_\_\_ Alpine Independent School District  
Contact Name: \_\_\_\_\_ Darrell Dodds  
Phone Number: \_\_\_\_\_ 432-837-7700  
Dates of Service: \_\_\_\_\_ multiple years  
Brief description of service provided: \_\_\_\_\_ Depository, Online, ACH and Wire services
2. Client Name: \_\_\_\_\_ Brewster County  
Contact Name: \_\_\_\_\_ Babett Mann  
Phone Number: \_\_\_\_\_ 432-837-6200  
Dates of Service: \_\_\_\_\_ multiple years  
Brief description of service provided: \_\_\_\_\_ Depository, Online and ACH services
3. Client Name: \_\_\_\_\_ Sul Ross State University  
Contact Name: \_\_\_\_\_ Cesario Valenzuela  
Phone Number: \_\_\_\_\_ 432-837-8076  
Dates of Service: \_\_\_\_\_ multiple years  
Brief description of service provided: \_\_\_\_\_ Depository, Online and ACH services
4. Client Name: \_\_\_\_\_ Big Bend Regional Hospital District  
Contact Name: \_\_\_\_\_ Imelda Natera  
Phone Number: \_\_\_\_\_ 432-837-7051  
Dates of Service: \_\_\_\_\_ multiple years  
Brief description of service provided: \_\_\_\_\_ Depository and Online services
5. Client Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Dates of Service: \_\_\_\_\_  
Brief description of service provided: \_\_\_\_\_

In the last three years, have you been released or removed from a job prior to the job being completed? Yes \_\_\_\_\_ No X \_\_\_\_\_

If yes, give reason(s) \_\_\_\_\_

**FORM CIQ CONFLICT OF INTEREST QUESTIONNAIR**  
**For vendor or other person doing business with local government entity.**

This questionnaire reflects changes made by HB 1491, 80<sup>th</sup> Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001 (1-a) with a local governmental entity and the person meets requirements under Section 176.006(a). By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7<sup>th</sup> business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code. A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

Name of Company: West Texas National Bank

Name of person who has a business relationship with local governmental entity: \_\_\_\_\_

Check this box if you are filling an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7<sup>th</sup> business day after the date the originally filed questionnaire becomes incomplete or inaccurate.) ☐

Name of local government officer with whom filer has employment or business relationship.

Name of Officer: Lucy Escovedo, City Councilman

(Item A, B, C, & D must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

- A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire? Yes \_\_\_\_\_ No X \_\_\_\_\_
- B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section and the taxable income is not received from the local governmental entity? Yes \_\_\_\_\_ No X \_\_\_\_\_
- C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds ownership of 10 percent or more? Yes \_\_\_\_\_ No X \_\_\_\_\_
- D. Describe each employment or business relationship with local government officer named in this section.

BANK

CUSTOMER

Signature of person doing business with the governmental entity and date:

Signature Linda Lassiter, Branch Manager Linda Lassiter Date 12/2/16

**FORM CIQ CONFLICT OF INTEREST QUESTIONNAIR**  
**For vendor or other person doing business with local government entity.**

This questionnaire reflects changes made by HB 1491, 80<sup>th</sup> Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001 (1-a) with a local governmental entity and the person meets requirements under Section 176.006(a). By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7<sup>th</sup> business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code. A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

Name of Company: West Texas National Bank

Name of person who has a business relationship with local governmental entity: \_\_\_\_\_

Check this box if you are filling an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7<sup>th</sup> business day after the date the originally filed questionnaire becomes incomplete or inaccurate.) ☐

Name of local government officer with whom filer has employment or business relationship.

Name of Officer Richard Stephens, City Councilman

(Item A, B, C, & D must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

- A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire? Yes \_\_\_\_\_ No X \_\_\_\_\_
- B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section and the taxable income is not received from the local governmental entity? Yes \_\_\_\_\_ No X \_\_\_\_\_
- C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds ownership of 10 percent or more? Yes \_\_\_\_\_ No X \_\_\_\_\_
- D. Describe each employment or business relationship with local government officer named in this section.

\_\_\_\_\_BANK

CUSTOMER \_\_\_\_\_

Signature of person doing business with the governmental entity and date:

Signature Linda Lassiter, Branch Manager

*Linda Lassiter*

Date 12/2/16



## **CITY COUNCIL**

### **MEETING AGENDA ITEM COVER MEMO**

**NOVEMBER 16, 2021**

To: Mayor and City Council

Agenda Item: Action Item 6 – Provide advice and consent - Director of Utilities

Submitted By: Megan Antrim, Interim City Manager

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#### **SYNOPSIS**

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As per City Charter – Section 4.02 (A) - Provide advice and consent on the recommendation to hire Keith Segar for the position of Director of Utilities.

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#### **BACKGROUND**

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The City of Alpine has been advertising and accepting applications for the position of Utility Director since June 2021. On July 20, 2021, Council approved an updated job description for the position. The job description including removing responsibilities no longer tied to the position under the organization chart, updating licensing levels, and salary ranges. The City has since received four (4) applications.

1. Keith Segar – meets minimum requirements, employment and reference verification, interviewed
2. Kenneth Overstreet – requesting pay outside pay scale. Followed up with job description and salary range. No reply
3. John Razo – does not meet minimum requirements
4. Jerry Higgins – follow up documentation submitted after interview process.

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#### **SUPPORTING MATERIALS**

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1. Keith Segar Resume, licensing, training
  - a. TCEQ Reciprocity for a License from another State

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#### **STAFF RECOMMENDATION**

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**Recommendation to hire Keith Segar for Director of Utilities position.**

Interim City Manager

Megan Antrim

# Keith Segar

Alpine, TX 79830

believerd04d@yahoo.com

+1 231 288 5171

Authorized to work in the US for any employer

## Work Experience

### **General Manager (GM)**

Suwannee Water & Sewer District - Suwannee, FL

December 2017 to Present

General Manager of Operations. Oversee Administration, Maintenance, and Treatment activities. Perform routine duties as Back-Up Operator for both Water and Wastewater systems. Oversee Safety management programs. Conduct training for all employees, and maintain Governmental records. Provide Customer Service directly to Citizens of the District. Attend Dixie County Commission meetings and report on district activities. Create, and utilize Budget requirements for the SW&S district. Prepare for all State and Federal Inspections with regard to the Water/Waste Water Industry.

### **Operations Coordinator/Manager**

ESCO CO. - Muskegon, MI

November 1979 to August 2017

Began my career at ESCO as a Chemical Operator operating reactor systems, pumps, conveyors, analytical sampling and testing In Process. Operated Waste Water pre-treatment facilities. Promoted to Operations Supervisor.

Duties as Senior Operations Supervisor included managing three production plants, Maintenance staff, and Shipping/Receiving departments. Conducted all required Safety training and instruction for OSHA, MIOSHA, MDEQ regulations and maintained records in accordance with statutory guidelines. Promoted to Operations Coordinator/Manager.

Oversight and management of all Production facilities, and coordinated all work through Outside Contractors and Vendors with internal Maintenance staff. Controlled department spending, budget and all records to comply with ISO certification.

United States Coast Guard Licensed Captain. My current rating is Master, 50 GT Near- Coastal with Towing endorsement.

Owner, Wild Frog Adventures LLC. Guided Fishing trips and Nature tours.

## Education

### **Certification in Waste Water Treatment Plant Operations**

California State University-Sacramento - Sacramento, CA

June 2018 to March 2019

## **Certification in Water Treatment Plant Operations**

California State University-Sacramento - Sacramento, CA

December 2017 to May 2018

## **Some College in Business Management**

Muskegon Community College

## **Skills**

- Microsoft Word, Excel, FoxPro DCS, MP2 (10+ years)
- Intelligence Experience
- Inventory Control
- Profit & Loss
- Program Management
- Team Management
- Management
- Wastewater
- Analysis skills
- Intelligence analysis
- Military intelligence
- Operations management
- Signals intelligence
- Information security
- Military Experience

## **Military Service**

### **Branch: US Army**

Service Country: United States

Rank: Non Commissioned Officer-Sergeant E5

June 1982 to May 1986

Assigned to Pershing Special Forces, Nuclear Missile unit. Responsible for all COMSEC items and duties included Command/Control/Launch of Nuclear Weapons.

Driver/Bodyguard for Field Grade Officer.

Transferred to A Co. 21st Military Intelligence at FT. Carson, CO. Honorably Dishcarged

Commendations:

Overseas Ribbon

Army Achievement Medal (3 times)



## Certifications and Licenses

### **USCG Mariner Credential- Master 50 GT**

May 2015 to May 2020

### **Water Treatment Operator-Class "C" Florida**

November 2018 to June 2021

### **Waste Water Treatment Operator-Class "C" Florida**

September 2019 to June 2021

## Assessments

### **Management & leadership skills: Impact & influence — Expert**

September 2021

Choosing the most effective strategy to inspire and influence others to meet business objectives

Full results: Expert

Indeed Assessments provides skills tests that are not indicative of a license or certification, or continued development in any professional field.



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

October 7, 2021

To Whom It May Concern:

A thorough and diligent search of the official licensure records of the Florida Operator Certification Program was conducted and I hereby certify the following:

Licensee Name:	Keith Eugene Segar
License Number:	DWC0025668
License Type & Class:	Water Treatment Operator Class C
License Status:	Current/Active
Original Issue Date:	11/30/2018
Expiration Date:	4/30/2023
Method of Licensure:	By Examination (State developed exam)
Discipline/Enforcement:	None - past or current

The State of Florida Treatment Plant Operator license referenced above was issued based on successfully passing a State developed examination (with a minimum passing score of at least 70%) and demonstrating the minimum licensure requirements in accordance with Chapter 62-602, Florida Administration Code.

Thank you,

A handwritten signature in dark ink, appearing to read "Dana Ewaldt".

Dana Ewaldt  
Operator Certification Program



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**Ron DeSantis**  
Governor

**Jeanette Nunez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

October 7, 2021

To Whom It May Concern:

A thorough and diligent search of the official licensure records of the Florida Operator Certification Program was conducted and I hereby certify the following:

Licensee Name:	Keith Eugene Segar
License Number:	WWC0026420
License Type & Class:	Wastewater Treatment Operator Class C
License Status:	Current/Active
Original Issue Date:	9/24/2019
Expiration Date:	4/30/2023
Method of Licensure:	By Examination (State developed exam)
Discipline/Enforcement:	None - past or current

The State of Florida Treatment Plant Operator license referenced above was issued based on successfully passing a State developed examination (with a minimum passing score of at least 70%) and demonstrating the minimum licensure requirements in accordance with Chapter 62-602, Florida Administration Code.

Thank you,

A handwritten signature in cursive script that reads "Dana Ewaldt".


Dana Ewaldt  
Operator Certification Program



**State of Florida**  
**Department of Environmental Protection**  
OPERATOR CERTIFICATION PROGRAM  
2600 BLAIR STONE ROAD, M.S. 3506  
TALLAHASSEE, FLORIDA 32399-2400  
(850)245-7500

**KEITH EUGENE SEGAR**  
**[REDACTED]**  
**[REDACTED]**

**State of Florida**  
**Department of Environmental Protection**

LICENSE NO.: 0026420  DATE ISSUED: 02/22/2021  
CLASS C WASTEWATER TREATMENT  
KEITH EUGENE SEGAR  
IS LICENSED UNDER PROVISIONS OF CHAPTER 403, FLORIDA STATUTES  
VALID UNTIL: 04/30/2023

**State of Florida**  
**Department of Environmental Protection**

**ISSUED: 02/22/2021**

**LICENSE NO.: 0026420**

**THE CLASS C WASTEWATER TREATMENT OPERATOR NAMED BELOW IS  
LICENSED UNDER THE PROVISIONS OF CHAPTER 403, FLORIDA STATUTES.**

**VALID UNTIL: 04/30/2023**

**KEITH EUGENE SEGAR**

**RON DESANTIS**

**NOAH VALENSTEIN**

**GOVERNOR**

**DISPLAY IS REQUIRED BY LAW**

**SECRETARY**



**State of Florida**  
**Department of Environmental Protection**  
OPERATOR CERTIFICATION PROGRAM  
2600 BLAIR STONE ROAD, M.S. 3506  
TALLAHASSEE, FLORIDA 32399-2400  
(850)245-7500

**KEITH EUGENE SEGAR**  
**[REDACTED]**  
**[REDACTED]**

**State of Florida**  
**Department of Environmental Protection**

LICENSE NO.: 0025668      DATE ISSUED: 02/22/2021  
CLASS C DRINKING WATER TREATMENT  
KEITH EUGENE SEGAR  
IS LICENSED UNDER PROVISIONS OF CHAPTER 403, FLORIDA STATUTES  
VALID UNTIL: 04/30/2023



**State of Florida**  
**Department of Environmental Protection**

**ISSUED: 02/22/2021**

**LICENSE NO.: 0025668**

**THE CLASS C DRINKING WATER TREATMENT OPERATOR NAMED BELOW IS  
LICENSED UNDER THE PROVISIONS OF CHAPTER 403, FLORIDA STATUTES.**

**VALID UNTIL: 04/30/2023**

**KEITH EUGENE SEGAR**

**RON DESANTIS**

**NOAH VALENSTEIN**

**GOVERNOR**

**DISPLAY IS REQUIRED BY LAW**

**SECRETARY**

# Grades for Operation of Wastewater Treatment Plants, Volume II, 7th Ed

**Completion Date Course Grade CEUs Contact Hours**

Jan 24, 2019                      A                      9                      90

**Chapter Grades for Operation of Wastewater Treatment Plants, Volume II, 7th Ed**

<b>Chapter</b>	<b>Date</b>	<b>Grade</b>
<b>11 Activated Sludge (Operation of Conventional Activated Sludge Plants)</b>	Dec 05, 2018	98%
<b>12 Sludge Digestion and Solids Handling</b>	Dec 05, 2018	92%
<b>13 Effluent Discharge, Reclamation, and Reuse</b>	Dec 21, 2018	100%
<b>14 Plant Safety</b>	Dec 21, 2018	100%
<b>15 Maintenance</b>	Dec 21, 2018	95%
<b>16 Laboratory Procedures and Chemistry</b>	Jan 22, 2019	98%
<b>17 Applications of Computers for Plant O&amp;M</b>	Jan 22, 2019	100%
<b>18 Analysis and Presentation of Data</b>	Jan 23, 2019	96%
<b>19 Records and Report Writing</b>	Jan 23, 2019	99%
<b>20 Treatment Plant Administration</b>	Jan 24, 2019	100%

# Grades for Operation of Wastewater Treatment Plants, Volume I, 7th Ed

**Completion Date Course Grade CEUs Contact Hours**

Nov 29, 2018            A            9            90

Chapter Grades for Operation of Wastewater Treatment Plants, Volume I, 7th Ed

Chapter	Date	Grade
1 The Treatment Plant Operator	Oct 31, 2018	100%
2 Why Treat Wastes?	Oct 31, 2018	97%
3 Wastewater Treatment Facilities	Nov 19, 2018	98%
4 Racks, Screens, Comminutors, and Grit Removal	Nov 19, 2018	99%
5 Sedimentation and Flotation	Nov 19, 2018	96%
6 Trickling Filters	Nov 29, 2018	99%
7 Rotating Biological Contactors	Nov 29, 2018	99%
8 Activated Sludge (Package Plants and Oxidation Ditches)	Nov 29, 2018	99%
9 Wastewater Stabilization Ponds	Nov 29, 2018	99%
10 Disinfection Processes	Nov 29, 2018	100%

# Grades for Water Treatment Plant Operation, Volume II, 6th Ed

**Completion Date Course Grade CEUs Contact Hours**

May 29, 2018      A      9      90

**Chapter Grades for Water Treatment Plant Operation, Volume II, 6th Ed**

<b>Chapter</b>	<b>Date</b>	<b>Grade</b>
12 Iron and Manganese Control	May 08, 2018	99%
13 Fluoridation	May 04, 2018	99%
14 Softening	May 04, 2018	99%
15 Specialized Treatment Processes	May 09, 2018	97%
16 Membrane Treatment Processes (Membrane Filtration and Demineralization)	May 09, 2018	99%
17 Handling and Disposal of Process Wastes	May 09, 2018	100%
18 Maintenance	May 21, 2018	100%
19 Instrumentation and Control Systems	May 21, 2018	100%
20 Safety	May 21, 2018	100%
21 Advanced Laboratory Procedures	May 29, 2018	100%
22 Drinking Water Regulations	May 29, 2018	99%
23 Administration	May 29, 2018	100%

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**Lead Testing in  
CHILD CARE CENTERS**



**ENVIRONMENTAL  
FINANCE  
CENTER**

AT SACRAMENTO STATE



# Grades for Water Treatment Plant Operation, Volume 1, 7th Ed

**Completion Date Course Grade CEUs Contact Hours**

May 02, 2018      A      9      90

**Chapter Grades for Water Treatment Plant Operation, Volume 1, 7th Ed**

<b>Chapter</b>	<b>Date</b>	<b>Grade</b>
1 Introduction to Water Treatment	Feb 21, 2018	98%
2 Source Water, Reservoir Management, and Intake Structures	Mar 19, 2018	98%
3 Coagulation and Flocculation	Mar 27, 2018	93%
4 Sedimentation	Apr 06, 2018	97%
5 Filtration	Apr 24, 2018	100%
6 Disinfection	Apr 24, 2018	91%
7 Corrosion Control	Apr 26, 2018	92%
8 Taste and Odor Control	Apr 26, 2018	99%
9 Laboratory Procedures	May 02, 2018	93%

**SUPPLEMENT A – RECOMMENDATION FOR UTILITY DIRECTOR**

**TCEQ RECIPROCITY FOR  
A LICENSE FROM  
ANOTHER STATE**

# Requesting Reciprocity for a License from Another State

## Requirements for obtaining reciprocity for an individual license from another state, territory or country.

With the exception of landscape irrigators, TCEQ may waive qualifications, training, or an examination for a license on a case-by-case basis.

## Eligibility

---

To be eligible, you must:

- Have a current license from another state, territory, or country (licensing authority);
- Have taken an exam to receive the license;
- Have a good compliance history, and currently be in good standing with the licensing authority that issued the license.

To verify TCEQ requirements for your license, visit our **Requirements for a License or Registration** web page.

## How to Apply for Reciprocity

---

- Complete an **Occupational Licensing Electronic Application (OLEA)**
- Enter all the information under the reciprocity section.
- Submit a \$111 application fee. Application fees are non-refundable.
- Upload a copy of your current license, and copies of any applicable training or course completion certificates.

## The Evaluation Process

---

As a part of the evaluation process, the TCEQ will:

- Request information from the licensing authority to substantiate your current license status; and
- Determine the level or class of TCEQ license that your current license would equivocate to if reciprocity were granted.

If you have any questions, please contact the TCEQ Occupational Licensing Section at (512) 239-6133.

# Wastewater Class C Licensing Requirements

---

## Education and Work Experience Requirements

- Education: High School diploma or General Equivalency Diploma.
- Work Experience: two years of work experience. At least one half of the work experience must be obtained in the specific field for the license that is requested.

### Acceptable Work Experience Substitute

Applicants with a High School diploma or GED may substitute up to one year of experience with college hours or additional TCEQ approved wastewater operator training.

- 32 semester hours of college or 40 additional hours of approved training for one year of work experience.
- 16 semester hours of college or 20 additional hours of approved training for six months of work experience.

Note: For laboratory experience to be fully acceptable towards operator licensing, the laboratory must be owned and operated by the permittee and the laboratory personnel must consult on a daily basis with operational personnel.

## Training Courses

### Wastewater approved training

- **Core Courses:** Basic Wastewater Operation, Activated Sludge or Wastewater Treatment, plus one elective course.
- **Elective Courses:** Wastewater Collection, Wastewater Laboratory, Water Utility Calculations, or Water Utility Safety.

## Application and Examination

**Submit an application** and fee (\$111) to the TCEQ. Once your application is approved, sign up for an exam at your local **TCEQ regional office** or your local **computer-based testing** center.

# Class C Licensing Requirements (Surface, Groundwater, and Distribution)

## Education and Work Experience Requirements

- Education: High School diploma or GED
- Work Experience: two years of experience, one of which must be "hands-on". At least one half of the work experience must be obtained in the specific field for the license that is requested.

### Acceptable Work Experience Substitute

Applicants may substitute up to one year of experience with college hours or additional TCEQ approved water operator training.

- 32 semester hours of college or 40 additional hours of approved training for one year of work experience
- 16 semester hours of college or 20 additional hours of approved training for six months of work experience

Note: For laboratory experience to be fully acceptable towards operator licensing, the laboratory must be owned and operated by the public water system and the laboratory personnel must consult on a daily basis with a public water system's licensed operator personnel.

## Training Courses

### Water approved training

Class C Surface Water	Class C Groundwater	Class C Distribution
<b>Core</b> <ul style="list-style-type: none"><li>• Basic Waterworks Operation</li><li>• Surface Water Production I</li><li>• Surface Water Production II</li></ul> <b>Electives</b> <ul style="list-style-type: none"><li>• None</li></ul>	<b>Core</b> <ul style="list-style-type: none"><li>• Basic Waterworks Operation</li><li>• Groundwater Production</li><li>• Plus one elective course</li></ul> <b>Electives</b> <ul style="list-style-type: none"><li>• Water Distribution</li><li>• Water Laboratory</li><li>• Water Utility Safety</li><li>• Water Utility Calculations</li><li>• Chlorinator Maintenance</li><li>• Pump and Motor Maintenance</li><li>• Valve and Hydrant Maintenance</li></ul>	<b>Core</b> <ul style="list-style-type: none"><li>• Basic Waterworks Operation</li><li>• Water Distribution</li><li>• Plus one elective course</li></ul> <b>Electives</b> <ul style="list-style-type: none"><li>• Water Laboratory</li><li>• Water Utility Safety</li><li>• Water Utility Calculations</li><li>• Chlorinator Maintenance</li><li>• Pump and Motor Maintenance</li><li>• Valve and Hydrant Maintenance</li></ul>

## Application and Examination

**Submit an application** and fee (\$111) to the TCEQ. Once your application is approved, sign up for an exam at your local **TCEQ regional office** or your local **computer-based testing** center.



**CITY COUNCIL  
MEETING AGENDA ITEM COVER MEMO  
NOVEMBER 16, 2021**

To: Mayor and City Council  
Agenda Item: Action Item 7 – Special Legal Counsel  
Submitted By: Megan Antrim, Interim City Manager

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**SYNOPSIS**

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Rod Ponton has submitted a tap assessment for multiple housing units to be built on private property and is requesting city services.

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**BACKGROUND**

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City management and staff have legal questions in regards to Mr. Ponton's project and do not believe it is appropriate to discuss directly with Mr. Ponton. There is no question to the legality of the project. Discussing these concerns would be a conflict of interest and not beneficial to both parties. To ensure no conflict of interest is created, outside (special) counsel is needed.

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**SUPPORTING MATERIALS**

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1. Initial Tap Assessment Application dated 9-03-2021
2. 2<sup>nd</sup> Tap Assessment Application dated 11-1-2021

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**STAFF RECOMMENDATION**

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**Recommendation to hire special legal counsel.**

Interim City Manager

Megan Antrim

SUPPLEMENT 1 – SPECIAL COUNSEL

# **INITIAL TAP ASSESSMENT DATED 9-03-2021**

# CITY OF ALPINE WATER SERVICE ORDER

<b>SERVICE ORDER #</b>	<b>SERVICE TECHNICIAN</b>	<b>DATE</b>	<b>REQUEST TYPE</b>
13757	BLAKE EDWARDS	9/7/2021	Tap Assessment
<b>SERVICE ADDRESS</b>		<b>REQUESTED BY</b>	<b>CONTACT NUMBER</b>
2301 N Hwy 118, Alpine, TX 79830		ROD PONTON	
<b>ACCOUNT NUMBER</b>	<b>SERVICE TYPE</b>	<b>METER ID</b>	<b>PREVIOUS READING</b>
323530.00	WATER INSIDE CITY LIMITS	3853071	132
<b>CUSTOMER</b>		<b>CUSTOMER ADDRESS</b>	
ROD PONTON		PO BOX 9760, ALPINE, TX 79831	
<b>PROBLEM</b>			
SEWER TAP ASSESMENT.CR			
<b>ADDITIONAL INFORMATION</b>			
<b>RESOLUTION</b>			
Sewer Tap not approved at this time.			

IS A STREET CUT REQUIRED?

WAS IS THE TOTAL COST?

(BILLING DEPT) WAS THE CUSTOMER CONTACTED?

(BILLING DEPT) DOES THE CUSTOMER WISH TO PROC

Mr Ponton intends to have 30+ modular homes installed on his property at 2301 N HWY 118 as rental homes. The property lies in the extraterritorial jurisdiction (ETJ) of the City of Alpine, and so must follow the city's ordinance rules. According to the City of Alpine ordinance for **subdivision rules** in Chapter 98, Article V, building plans must be submitted to the City Council for approval. Therefore, a sewer tap at this location is denied at this time.

One of the items you will be required to submit to City Council is a written agreement between you (the subdivider) and the retail public utility (the City of Alpine) that the public utility has the ability to handle the additional sewage flow anticipated from the development and occupancy for a minimum of 30 years. (31 TAC § 364.32(a)(1)). When you are ready to proceed with getting approval for the subdivision, you will need to send a written request to the City Manager and Director of Public Utilities at that time. You will need to give ample notice, because a study will need to be done on whether or not our water system can provide the total flow of water needed for your development.

 9/24/21



FOR INTERIOR USE ONLY:

ACCOUNT 3235.30 .00

WO#

CUST. PROCEEDING Y / N



## CITY OF ALPINE UTILITIES TAP ASSESSMENT

TCEQ (THE STATE OF TEXAS) REQUIRES ONLY ONE TAP PER DWELLING

DATE: 09/03/21

TYPE: WATER

SEWER

GAS

NAME: Rod Ponton

911 SERVICE ADDRESS: 2301 North Hwy 118  
Alpine, Texas 79830

TO OBTAIN CALL RIO GRANDE COUNCIL OF GOVERNMENTS AT (432) 837-7199

WE MUST HAVE A 11 ADDRESS TO PROCESS

MAILING ADDRESS: 123 North 6th Street  
Alpine, Texas 79830

BEST PHONE NUMBER TO REACH YOU: 432 386 0397

EMAIL ADDRESS: pontonrod@gmail.com

\*\*\*REQUESTED TAP LOCATION:

PLEASE INCLUDE A COPY OF MAP IE. GOOGLE MAPS PRINT OUT AND MARK WHERE YOUR WANT THE TAP

DESCRIPTION OF PROPERTY: Harriett Street/ North 5th Street

APPROXIMATE DATE NEEDED: January 1, 2022

RESIDENTIAL

COMMERCIAL

X

FIRE PROTECTION

WITHIN CITY LIMITS:

YES

X

NO

## WHAT SIZE TAP ?

GAS

WATER

SEWER

WHAT IS THE PURPOSE FOR THE TAP: Sewer line from owners property

CUSTOMER SIGNATURE: Rod Ponton

\*\*DOES NOT GUARANTEE TAP LOCATION; LOCATION OF TAP AVAILABILITY WILL BE GIVEN DURING TAP ASSESSMENT

\*\*\*PLEASE BE ADVISED THAT THESE ARE ESTIMATES AND PRICES MAY BE SUBJECT TO CHANGE

\*\*\* ADVISE ONLY ONE TAP PER DWELLING / TEXAS STATE LAW REQUIRES EACH HOUSE/RENTAL/BUILDING MUST HAVE THIER OWN INDIVIDUAL WATER/SEWER TAP. YOU CANNOT HAVE ONE TAP FEEDING TWO HOUSES/RENTALS/BUILDINGS\*\*\*

PLEASE NOTE: The tap fee do not include the deposit required to open an account for billing.

The city of Alpine will only set a Meter when an account is opened.

To open an account after tap is completed you will need the following:

- \*Application for new services / provided by City Hall
- \*\$200.00 Deposit
- \*Proof of residency / lease agreement
- \*Owners Name/Billing Address/Phone number
- \*Copy of picture ID

# City of Alpine Water/Sewer/Gas Tap Assessments

FOR OFFICE USE ONLY	CHARGES
<b>Water/Sewer Extensions</b>	
1" or less Water extension of front footage, per linear foot ..... \$25.00	
Greater than 1" water extension of front footage, per linear foot.... At cost	
Water extension of front footage, per linear foot outside CCR....At cost	
4" Sewer extension of front footage, per linear foot ..... 25.00	
Greater than 4" sewer extension of front footage, per linear foot....At cost	
Sewer extension of front footage outside CCR....At cost	
<b>Water/Sewer Taps and Meter Settings</b>	
¾ inch tap .... 1000.00	
1 inch tap .... 1200.00	
1½ inch tap ... \$1,500.00 or actual cost of meter and tapping saddle if more than the \$1,500.00	
2 inch tap .... \$2,000.00 or actual cost of meter and tapping saddle if more than the \$2,000.00	
Greater than 2 inch tap... At cost	
Water tap Impact fee...500.00 each cut required	
Residential 4 inch Sewer tap .....1200.00	
All other sewer taps...At cost	
Sewer tap Impact fee...500.00 each cut required	
<b>Gas Taps/Extensions</b>	
Retirement of gas tap....375.00	
1" Gas Tap. ...1000.00	
Over 1" Gas Tap ... At cost	
1" or less Gas extension of front footage, per linear foot... 25.00	
Greater than 1" Gas extension of front footage, per linear foot...At cost	
Gas extension of front footage, per linear foot outside CCR....At cost	
Gas tap Impact fee...500.00 each cut required	
Other Charges that may apply:	
Total:	

☒ **NO** City of Alpine Utilities approves of tap installation as specific on this application. Applicant may proceed, pending Building Official plan review and permit approval.

☐ Applicant has paid for Tap

Payment Date: \_\_\_\_\_

NOTES:

Tap Assessment Completed By:

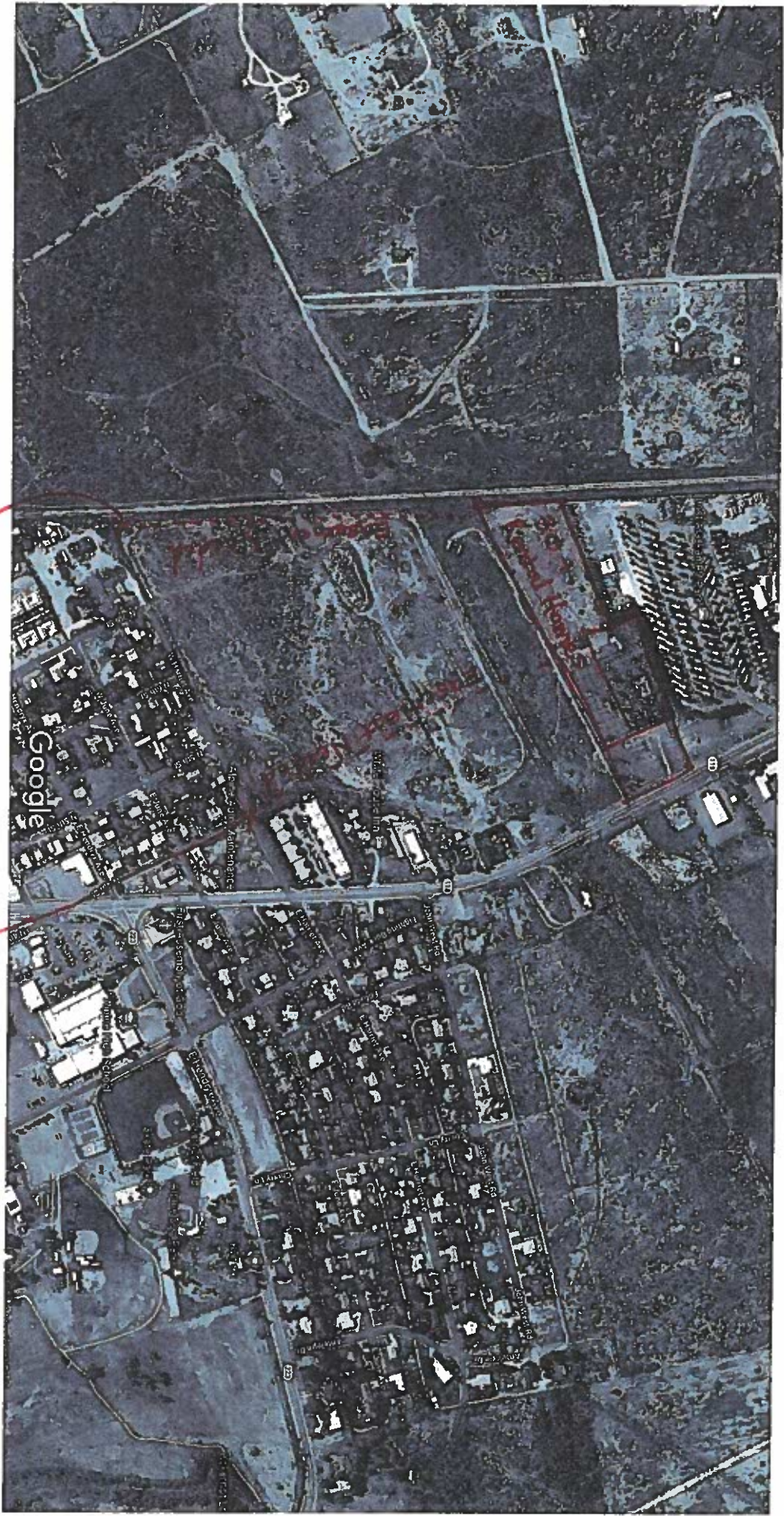


Date:

9/24/21



Google Maps



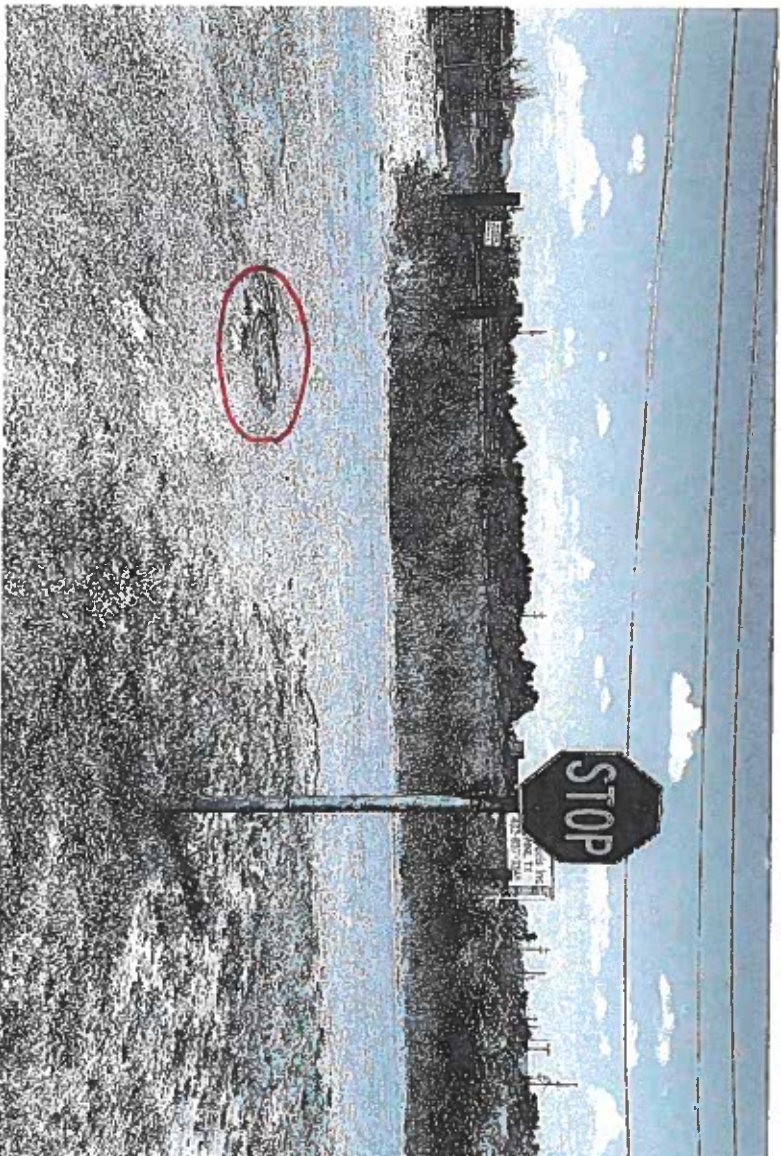
Imagery ©2021 Maxar Technologies, USDA Farm Service Agency, Map data ©2021 Google

200 ft





## 4th & Harriet



wants to tap into manhole

\* How Deep is this manhole? \*

Cannot open this manhole,  
but measured the one at  
6th & Harriet - 3' 8"

SUPPLEMENT 2 – SPECIAL COUNSEL

**2<sup>ND</sup> TAP ASSESSMENT  
DATED 11-01-2021**



FOR INTERNAL USE ONLY:  
 ACCOUNT # \_\_\_\_\_  
 WO# \_\_\_\_\_  
 CUST. PROCEEDING Y / N \_\_\_\_\_



## CITY OF ALPINE UTILITIES TAP ASSESSMENT

TCEQ (THE STATE OF TEXAS) ALLOWS ONLY ONE TAP PER DWELLING

DATE: 11/1/2021 TYPE: WATER ☒ SEWER ☒ GAS ☐

IF APPLYING FOR WATER OR SEWER, ARE YOU THE PROPERTY OWNER?

YES ☒ If yes, you must submit preliminary building plans to the Building Services Department and obtain plan approval before submitting this application. If you already have a plan approval letter from Building Services, you must attach it to this application

NO ☐ If no, are you a: ☐ Realtor ☐ Investor ☐ Contractor

You may look at water and sewer system maps at 309 W Sul Ross to verify where the existing lines run. Please complete this application only if you also need a price quote.

NAME: Rob Ponton aka BIG BEND ENTERPRISES LLC

911 SERVICE ADDRESS: 2301 N. Hwy 118, ALPINE, TX 79830

TO OBTAIN A 911 ADDRESS, CALL RIO GRANDE COUNCIL OF GOVERNMENTS AT (432) 837-7199  
 WE MUST HAVE A 911 ADDRESS TO PROCESS

MAILING ADDRESS: 2301 N. Hwy 118, ALPINE, TX 79830

BEST PHONE NUMBER TO REACH YOU: 432-386-0397 cell

EMAIL ADDRESS: pontonrob@gmail.com

\*\*REQUESTED TAP LOCATION: see attached

YOU MUST INCLUDE A COPY OF MAP - IE. GOOGLE MAPS PRINT OUT AND MARK WHERE YOU WANT THE TAP ALONG WITH YOUR PRELIMINARY BUILDING PLAN THAT HAS BEEN APPROVED (plan can be hand drawn)

\*\*DOES NOT GUARANTEE TAP LOCATION; LOCATION OF TAP AVAILABILITY WILL BE GIVEN DURING TAP ASSESSMENT\*\*

DESCRIPTION OF PROPERTY: 10 ACRES, 2301 N. Hwy 118 (see attached)

RESIDENTIAL ☒ COMMERCIAL ☒ FIRE PROTECTION ☐

WITHIN CITY LIMITS: YES ☐ NO ☒

WHAT SIZE TAP ?		
GAS	WATER	SEWER
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROXIMATE DATE NEEDED: 12/1/2021

WHAT IS THE PURPOSE FOR THE TAP: water service to 32 new homes  
sewer service (force main) from 32 new homes

CUSTOMER SIGNATURE: Rob Ponton

\*\*\*PLEASE NOTE: ONLY ONE TAP IS ALLOWED PER DWELLING. TEXAS STATE LAW REQUIRES EACH HOUSE, RENTAL, OR BUILDING TO HAVE THEIR OWN INDIVIDUAL WATER AND/OR SEWER TAP.

YOU CANNOT HAVE ONE TAP FEEDING TWO OR MORE HOUSES/RENTALS/BUILDINGS\*\*

30 TAC 290.44(d)(4)

each house will have separate water tap, sewer connection

PLEASE NOTE: The tap fees do not include the deposit required to open an account for billing.

The city of Alpine will only set a Meter when an account is opened.

To open an account after tap is completed you will need the following:

\*Application for new services / provided by City Hall

\*Owners Name/Billing Address/Phone number

\*\$200.00 Deposit  
\*Proof of residency / lease agreement

\*Copy of picture ID

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Water extension of front footage, per linear foot outside CCR....At cost	
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¾ inch tap ..... 1000.00	
1 inch tap ..... 1200.00	
1½ inch tap ..... \$1,500.00 or actual cost of meter and tapping saddle if more than the \$1,500.00	
2 inch tap ..... \$2,000.00 or actual cost of meter and tapping saddle if more than the \$2,000.00	
Greater than 2 inch tap...At cost	
Water tap street cut fee...500.00 each cut required	
Residential 4 inch Sewer tap .....1200.00	
All other sewer taps...At cost	
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1" or less Gas extension of front footage, per linear foot...25.00	
Greater than 1" Gas extension of front footage, per linear foot...At cost	
Gas extension of front footage, per linear foot outside CCR....At cost	
Gas tap street cut fee...500.00 each cut required	
<b>Other Charges that may apply:</b>	
_____	
_____	
_____	
<b>Total:</b>	

\*\*\*PLEASE BE ADVISED THAT THESE ARE ESTIMATES AND PRICES MAY BE SUBJECT TO CHANGE

☐ Building Official has completed plan review and permit approval.

\_\_\_\_\_ Initials

For Utilities Department Use:

- ☐ Spoke to applicant in person  
☐ Left applicant a voicemail  
☐ Did not get a returned phone call from applicant, so assessment is based on attached map only.  
☐ City of Alpine Utilities approves of tap installation as specified on this application.

Tap Assessment Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Applicant has paid for Tap

Payment Date: \_\_\_\_\_

NOTES:

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**BUILDING SERVICES**

309 W. SUL ROSS

ALPINE, TX 79830

(432) 837-3281

**FOR STAFF USE ONLY**

DATE: \_\_\_\_\_

PRELIMINARY PLAN APPROVED

☐ INITIALS: \_\_\_\_\_**BUILDING SERVICES WATER & SEWER PLAN APPROVAL**

*City of Alpine Utility Taps are only to be installed after all preliminary building permits & plans have been approved and paid for through Building Services Department.*

☐ Single-Family Residential ☒ multi-Family ☒ Commercial

I plan on adding water & sewer to a vacant lot to increase value for sale only: ☐

I do not plan on building ☐ I plan on building ☒ Other ☐

I plan on adding water & sewer for construction of new dwelling space: ☐

JOB SITE ADDRESS:	2301 N. Hwy 118, ALPINE, TX 79830
DESCRIPTION OF WORK:	new rental subdivision, 32 new homes, new water lines, sewer lines, sewer pump station, sewer main, constructed at owner expense

PROPERTY OWNER: BIG BEND ENTERPRISES	CONTRACTOR NAME: LCC
PHONE: 432-386-0397	PHONE:
ADDRESS: 2301 N. Hwy 118 ALPINE, TX 79830	ADDRESS:
EMAIL: p2nterrod@gmail.com	EMAIL:

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or performance of construction.

ROD PONTON

PRINT NAME

Rod Ponton

SIGNATURE

11/1/2021

DATE



# Exhibit A







**10. City Council Member Comments** – No discussion or action may take place.

**NOTICE:** The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development).

**11. Executive Session** – None.

**12. Action – Executive Session** – None.

**13. Adjournment.**