



NOTICE OF MEETING OF COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION

Notice is hereby given that a Regular Meeting of the Copperas Cove Economic Development Corporation will be held on March 30, 2023, at 12.00 p.m. in the Technology Center at 508 S. 2nd Street, Copperas Cove, Texas 76522 at which time the following agenda will be discussed.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. ANNOUNCEMENTS

- Boots and Buckle Annual Gala, April 1, 2023

E. CITIZENS FORUM

At this time, citizens will be allowed to speak on any matter other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

F. CONSENT AGENDA

All matters listed under this item are considered to be routine by the EDC Board of Directors and will be enacted by one motion. There will not be a separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

1. Consideration and action on approval of minutes for the Regular Meeting held on February 22, 2023. **Brittany Sanders, Workforce Development Specialist, Copperas Cove EDC.**

G. PUBLIC HEARINGS

H. ACTION ITEMS

1. Consideration and action on approving the Profit and Loss report for the month of February 2023. **Fred Welch, Executive Director, Copperas Cove EDC.**

2. Consideration and action on approving additional funding to the City of Copperas Cove for the reconstruction of Constitution Drive. **Fred Welch, Executive Director, Copperas Cove EDC.**
3. Consideration and action on appointing a firm to provide grant writing and professional services to support a grant for the Economic Development Administration (EDA) to fund certain public infrastructure improvements. **Fred Welch, Executive Director, Copperas Cove EDC.**
4. Consideration and action on approving the proposed revision made to the CCEDC Bylaws. **Fred Welch, Executive Director, Copperas Cove EDC.**

I. REPORTS FROM STAFF, OUTSIDE ENTITIES, ADVISORY COMMITTEES, AND BOARDS

1. Update on EDC Activities. **Diane Drussell, Assistant Director, Copperas Cove EDC.**
2. Executive Directors Report. **Fred Welch, Executive Director, Copperas Cove EDC.**

J. ITEMS FOR FUTURE AGENDAS

K. EXECUTIVE SESSION

Pursuant to §551.072 of the Texas Government Code, the Economic Development Corporation Board will meet in Executive Session to discuss deliberation regarding the purchase, exchange, lease, or value of the real property. **Narrows Business and Technology Park Phase II**

L. RECONVENE INTO AN OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ANY ITEM POSTED AND LEGALLY DISCUSSED IN THE EXECUTIVE SESSION.

M. ADJOURN

The Board of Directors reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the Copperas Cove Economic Development Corporation was posted at **5:00 p.m. on March 27, 2023.**

Brittany Sanders, ED Specialist
Copperas Cove EDC

Economic Development Corporation

F.1.

Meeting Date: March 30, 2023

Contact: Brittany Sanders, Workforce Development Specialist, Copperas Cove EDC

Subject:

Consideration and action on approval of minutes for the Regular Meeting held on February 22, 2023.

Brittany Sanders, Workforce Development Specialist, Copperas Cove EDC

Attachments:

Regular Meeting Minutes – February 22, 2023



COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION
Meeting Minutes for February 22, 2023

A. CALL TO ORDER

Chairman JC Stubbs called the Regular meeting of the Copperas Cove Economic Development Corporation to order at 12:02 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

JC Stubbs led the Invocation and the Pledge of Allegiance.

C. ROLL CALL

Roll call led by Brittany Sanders, Workforce Development Specialist

<i>Present: JC Stubbs, Chairman</i>	<i>Fred Welch, Executive Director</i>
<i>Rick Kirkpatrick, Vice Chairman</i>	<i>Sheena Tanner, Marketing Director</i>
<i>Elizabeth Ruszkiewicz, Secretary</i>	<i>Brittany Sanders, Workforce Development Specialist</i>
<i>Bradi Diaz, Director</i>	<i>Barbara Boulware-Wells, Legal Counsel</i>
<i>Ted Gonzalez, Director</i>	
<i>Fred Chavez, Council Liaison</i>	

Absent: Diane Drussell, Assistant Director

D. ANNOUNCEMENTS

- Sales Tax and Business Expense Workshop, February 28, 2023, in the CCISD Board Rm at 5:45 pm.
- Oscar's Market Workshop, February 25, 2023, 9:30 a.m. at Cinergy Cinemas
- Mounted Warfare Museum Gala, April 22, 2023, at River Ranch in Oakalla, TX

E. CITIZENS FORUM

At this time, citizens will be allowed matters other than personnel matters, matters under litigation, or matters on the regular agenda, for a length of time not to exceed five minutes per person. Thirty minutes total has been allotted for this section.

F. CONSENT AGENDA - All matters listed under this item are considered to be routine by the EDC Board of Directors and will be enacted by one motion. There will not be a separate discussion of these Item. If discussion is desired, that item will be removed from the consent agenda and considered separately.

1. Consideration and action on approval of minutes for the Regular Meeting held on January 25, 2023. **Brittany Sanders, Workforce Development Specialist, Copperas Cove EDC.**

Vice Chairman Rick Kirkpatrick made a motion to approve Agenda Item F1. Secretary Elizabeth Ruszkiewicz seconded the motion and with a unanimous vote, the motion carried.

G. PUBLIC HEARINGS

None

H. ACTION ITEM

1. Consideration and action on approving the Profit and Loss report for the month of January 2023. **Fred Welch, Executive Director, Copperas Cove EDC.**

Secretary Elizabeth Ruszkiewicz a motion to approve Agenda Item H1. Director Bradi Diaz seconded the motion and with a unanimous vote, the motion carried

2. Consideration and action on approving Resolution # EDC 2023-01 accepting the Quarterly Investment Report as presented for the quarter ending December 31, 2022, per the Investment Policy **Fred Welch, Executive Director, Copperas Cove EDC.**

Director Bradi Diaz made a motion to approve Agenda Item H2. Ted Gonzalez seconded the motion and with a unanimous vote, the motion carried.

3. Consideration and action on crafting and publishing an RFP for grant writing services to assist in the submission of an Economic Development Administration (EDA) grant, to support land development along Mashburn Dr. **Fred Welch, Executive Director, Copperas Cove EDC.**

Vice Chairman Rick Kirkpatrick made a motion to approve Agenda Item H3. Secretary Elizabeth Ruszkiewicz seconded the motion and with a unanimous vote, the motion carried.

4. Consideration and action to approve a consultation agreement between the CCEDC and NaviRetail, to conduct a marketing analysis and create recruitment strategies to attract targeted commercial and retail businesses. **Fred Welch, Executive Director, Copperas Cove EDC.**

Ted Gonzalez made a motion to approve Agenda Item H4. Director Bradi Diaz seconded the motion and with a unanimous vote, the motion carried.

5. Consideration and action on approving additional funding to the City of Copperas Cove for the reconstruction of Constitution Drive. **Fred Welch, Executive Director, Copperas Cove EDC**

Board Chair JC Stubbs tabled agenda item H5, which will be presented at March 2023 Regular Board meeting.

I. EDC REPORTS FROM STAFF, OUTSIDE ENTITIES, ADVISORY COMMITTEES, AND BOARDS

1. Update on EDC Activities. Diane Drussell, Assistant Director, Copperas Cove EDC.

- *Assistant Director Diane Drussell gave an update on the following topics listed below:*
 - *Sales Tax and Business Expense Workshop*
 - *Camp Gladiator training at the Narrows Business and Technology Park*
 - *Youth Entrepreneur Workshop on Saturday, February 25, 2023*
 - *Preparation for Oscars Market on April 15, 2023*
 - *Business visits for the month of March*
 - *Identifying buildings for the Entrepreneur Center*

2. Executive Director Report. Fred Welch, Executive Director, Copperas Cove EDC.

- *Executive Director Fred Welch gave an update on the following topics listed below:*
 - *IEDC recap*
 - *City Council Retreat recap*
 - *Trade Show recap*
 - *Project/Land swap recap*
 - *Fort Hood Rail project and ADC Conference*

J. ITEM FOR FUTURE AGENDAS

K. EXECUTIVE SESSION CONVENED

L. RECONVENE INTO OPEN SESSION AT FOR POSSIBLE ACTION RESULTING FROM ANY ITEM POSTED AND LEGALLY DISCUSSED IN THE EXECUTIVE SESSION

M. ADJOURN

Chairman JC Stubbs adjourned the meeting at 12:39 p.m.

ATTEST:

Brittany Sanders, ED Specialist

Elizabeth Ruszkiewicz, Secretary

Economic Development Corporation

H.1.

Meeting Date: March 30, 2023

Contact: Fred Welch, Executive Director, Copperas Cove EDC

Subject:

Consideration and action on approving the Profit and Loss report for the month of February 2023. **Fred Welch, Executive Director, Copperas Cove EDC**

Description/Information:

The Profit and Loss report for February 2023, has been prepared by Donkbuilt Service Exchange "Donkbuilt" as per the agreement between the CCEDC and Donkbuilt. The report is attached for review by the Board.

Financial Impact:

See attached.

Action/Recommendation:

EDC staff recommends the Board approve the Profit and Loss report for February 2023, as presented by Fred Welch.

Attachments:

February 2023, Financials:

Profit and Loss
Profit and Loss Budget Performance
Bancorp South Reconciliation
TexPool Reconciliation

Copperas Cove Economic Development Corporation

Profit & Loss

03/17/23

February 2023

Accrual Basis

	<u>TOTAL</u>
Ordinary Income/Expense	
Income	
Revenues	
Sales Tax Income	187,409.68
Interest Income	25,268.42
Total Revenues	<u>212,678.10</u>
Total Income	212,678.10
Expense	
EXPENDITURES	
EDC ADMINISTRATION	
PERSONNEL	
00-1150 · Phone Reimbursement	320.00
00-1100 · Car Allowance	500.00
00-1000 · Staff Salary	23,939.54
00-1200 · Longevity	44.32
00-1500 · FICA Tax	1,917.02
00-1600 · Employee Insurance	792.76
00-1800 · Retirement	3,407.33
00-1901 · Other Personnel Expenses	256.58
Total PERSONNEL	<u>31,177.55</u>
SUPPLIES AND MATERIALS	
00-2030 · Office Supplies	31.72
Total SUPPLIES AND MATERIALS	31.72
REPAIRS AND MAINTENANCE	
00-4100 · Repairs & Maint. - Bldg	664.99
00-4200 · Repairs & Maint. - Facility	150.00
Total REPAIRS AND MAINTENANCE	<u>814.99</u>
CONTRACTUAL SERVICES	
00-6000 · Bank Analysis Fees	50.00
00-6200 · Communication	221.68
00-6300 · Rental of Equip / Copier Lease	289.99
00-6350 · Rental of Property	2,600.00
00-6400 · Dues and Subscriptions	136.00
00-6550 · Contract Labor	200.00
00-6600 · Professional Development	2,945.00
00-6800 · Professional Services	780.24
00-6900 · Utilities	663.44
Total CONTRACTUAL SERVICES	<u>7,886.35</u>
DESIGNATED EXPENSES	
00-7000 · Insurance Expense	528.35
00-1999 · Public Relations	500.00
Total DESIGNATED EXPENSES	<u>1,028.35</u>
Total EDC ADMINISTRATION	40,938.96
DEBT SERVICES	
10-9326 · 2012 Sales Tax Bond Note Int	2,999.82
Total DEBT SERVICES	<u>2,999.82</u>
EDC NON-DEPARTMENTAL	
CONTRACTUAL SERVICES	
90-6400 · Dues and Subscriptions	5,750.00
90-6610 · Business Attraction	1,895.00
90-6800 · Professional Services	98.00
Total CONTRACTUAL SERVICES	<u>7,743.00</u>

9:47 AM

Copperas Cove Economic Development Corporation

03/17/23

Profit & Loss

Accrual Basis

February 2023

	<u>TOTAL</u>
Total EDC NON-DEPARTMENTAL	<u>7,743.00</u>
Total EXPENDITURES	<u>51,681.78</u>
Total Expense	<u>51,681.78</u>
Net Ordinary Income	<u>160,996.32</u>
Net Income	<u><u>160,996.32</u></u>

Copperas Cove Economic Development Corporation
Profit & Loss Budget Performance
October 2022 through February 2023

	<u>Oct '22 - Feb 23</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
Ordinary Income/Expense			
Income			
Revenues			
Sales Tax Income	775,466.38	649,583.31	1,559,000.00
Interest Income	116,068.63	3,541.62	8,500.00
Total Revenues	891,535.01	653,124.93	1,567,500.00
Total Income	891,535.01	653,124.93	1,567,500.00
Expense			
EXPENDITURES			
EDC ADMINISTRATION			
PERSONNEL			
00-1150 · Phone Reimbursement	1,320.00	1,200.00	2,880.00
00-1100 · Car Allowance	3,000.00	2,500.00	6,000.00
00-1000 · Staff Salary	123,993.77	110,000.00	264,000.00
00-1200 · Longevity	221.60	335.00	804.00
00-1500 · FICA Tax	8,890.67	8,333.31	20,000.00
00-1600 · Employee Insurance	3,963.80	8,816.69	21,160.00
00-1700 · Worker's Comp Insurance	726.00	333.38	800.00
00-1800 · Retirement	15,024.80	14,583.38	35,000.00
00-1901 · Other Personnel Expenses	351.58	583.31	1,400.00
PERSONNEL - Other	0.00	0.00	0.00
Total PERSONNEL	157,492.22	146,685.07	352,044.00
SUPPLIES AND MATERIALS			
00-2030 · Office Supplies	1,578.39	1,875.00	4,500.00
00-2040 Printing Costs	0.00	250.00	600.00
00-2200 · Postage/Shipping	108.00	166.41	400.00
00-2300 · Minor Tools	0.00	0.00	0.00
00-2820 · Furniture and Fixtures	1,205.61	8,333.31	20,000.00
00-2842 · Minor Equipment/Electronics	36.66	0.00	0.00
00-2844 · Minor Equipment - Software	0.00	0.00	0.00
Total SUPPLIES AND MATERIALS	2,928.66	10,624.72	25,500.00
REPAIRS AND MAINTENANCE			
00-4100 · Repairs & Maint. - Bldg	5,559.63	2,725.00	6,540.00
00-4200 · Repairs & Maint. - Facility	885.85	1,225.00	2,940.00
00-4400 · Repairs & Maint. - Equipment	1,474.98	291.55	700.00
00-4600 · Repairs & Mant. - Software	0.00	0.00	0.00
Total REPAIRS AND MAINTENANCE	7,920.46	4,241.55	10,180.00
CONTRACTUAL SERVICES			
00-6012 · Consulting Fees (Legal)	87.50	3,750.00	9,000.00
00-6000 · Bank Analysis Fees	250.00	250.00	600.00
00-6100 · Advertising	350.00	208.31	500.00
00-6200 · Communication	2,964.26	2,375.00	5,700.00
00-6300 · Rental of Equip / Copier Lease	1,449.95	1,450.00	3,480.00
00-6350 · Rental of Property	17,800.00	10,416.69	25,000.00

Copperas Cove Economic Development Corporation
Profit & Loss Budget Performance
October 2022 through February 2023

	<u>Oct '22 - Feb 23</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
00-6400 · Dues and Subscriptions	9,139.82	3,904.19	9,370.00
00-6550 · Contract Labor	7,764.98	6,500.00	15,600.00
00-6600 · Professional Development	10,441.79	8,750.00	21,000.00
00-6800 · Professional Services	4,441.49	3,500.00	8,400.00
00-6801 · Recruiting/Executive Search	0.00	0.00	0.00
00-6810 · Provided City Services	0.00	0.00	0.00
00-6900 · Utilities	3,087.84	2,275.00	5,460.00
Total CONTRACTUAL SERVICES	57,777.63	43,379.19	104,110.00
DESIGNATED EXPENSES			
00-7000 · Insurance Expense	2,457.30	2,291.69	5,500.00
00-1998 · Board Related Expenses	546.15	1,875.00	4,500.00
00-1999 · Public Relations	3,593.87	902.06	2,165.00
Total DESIGNATED EXPENSES	6,597.32	5,068.75	12,165.00
Total EDC ADMINISTRATION	232,716.29	209,999.28	503,999.00
DEBT SERVICES			
10-9325 · 2001 Sales Tax Bond Note Int	0.00	0.00	0.00
10-9226 · 2012 Sales Tax Bond Principal	0.00	47,916.55	115,000.00
10-9326 · 2012 Sales Tax Bond Note Int	17,998.92	14,999.05	35,998.00
Total DEBT SERVICES	17,998.92	62,915.60	150,998.00
EDC NON-DEPARTMENTAL			
SUPPLIES AND MATERIAL			
90-2060 · Program / Project Supplies	261.29	0.00	0.00
Total SUPPLIES AND MATERIAL	261.29	0.00	0.00
CONTRACTUAL SERVICES			
90-6400 · Dues and Subscriptions	6,100.00	8,850.00	21,240.00
90-6100 · Advertising	977.68	6,752.06	16,205.00
90-6550 · Contract Labor	6,223.10	8,666.69	20,800.00
90-6610 · Business Attraction	24,099.32	23,850.00	57,240.00
90-6800 · Professional Services	6,812.36	1,875.00	4,500.00
Total CONTRACTUAL SERVICES	44,212.46	49,993.75	119,985.00
90-9000 · ENTREPRENEUR CENTER			
90-9001 · Start Up	0.00	6,250.00	15,000.00
90-9002 · Operations	0.00	13,333.31	32,000.00
Total 90-9000 · ENTREPRENEUR CENTER	0.00	19,583.31	47,000.00
90-9100 · BUSINESS RETENTION			
90-9101 · Flyers / Design	0.00	1,666.69	4,000.00
90-9102 · Workshops	291.70	7,095.81	17,030.00
90-9104 · Travel	0.00	6,252.06	15,005.00
Total 90-9100 · BUSINESS RETENTION	291.70	15,014.56	36,035.00
Total EDC NON-DEPARTMENTAL	44,765.45	84,591.62	203,020.00
OTHER EXPENDITURES			
90-8600 · CAPITAL OUTLAY			
90-8607 · New Business Park Study	0.00	12,500.00	30,000.00
90-8601 · Constitution	0.00	833,333.31	2,000,000.00

Copperas Cove Economic Development Corporation
Profit & Loss Budget Performance
 October 2022 through February 2023

	<u>Oct '22 - Feb 23</u>	<u>YTD Budget</u>	<u>Annual Budget</u>
90-8602 · Land Exchange	0.00	0.00	0.00
90-8605 · Infrastructure	0.00	229,166.69	550,000.00
Total 90-8600 · CAPITAL OUTLAY	0.00	1,075,000.00	2,580,000.00
Total OTHER EXPENDITURES	0.00	1,075,000.00	2,580,000.00
Total EXPENDITURES	295,480.66	1,432,506.50	3,438,017.00
Total Expense	295,480.66	1,432,506.50	3,438,017.00
Net Ordinary Income	596,054.35	-779,381.57	-1,870,517.00
Net Income	<u>596,054.35</u>	<u>-779,381.57</u>	<u>-1,870,517.00</u>

Copperas Cove Economic Development Corporation
Reconciliation Summary
Cash- BANCORPSOUTH, Period Ending 02/28/2023

	Feb 28, 23
Beginning Balance	1,400,005.82
Cleared Transactions	
Checks and Payments - 38 items	-70,842.88
Deposits and Credits - 3 items	188,488.93
Total Cleared Transactions	117,646.05
Cleared Balance	1,517,651.87
Uncleared Transactions	
Checks and Payments - 17 items	-13,590.83
Total Uncleared Transactions	-13,590.83
Register Balance as of 02/28/2023	1,504,061.04
New Transactions	
Checks and Payments - 25 items	-119,150.01
Total New Transactions	-119,150.01
Ending Balance	1,384,911.03

4:40 PM
03/16/23

Copperas Cove Economic Development Corporation
Reconciliation Summary
TEXPOOL ACCOUNT, Period Ending 02/28/2023

	<u>Feb 28, 23</u>
Beginning Balance	6,751,160.10
Cleared Transactions	
Deposits and Credits - 1 item	<u>23,300.62</u>
Total Cleared Transactions	<u>23,300.62</u>
Cleared Balance	<u>6,774,460.72</u>
Register Balance as of 02/28/2023	6,774,460.72
Ending Balance	6,774,460.72

4:40 PM

03/16/23

Copperas Cove Economic Development Corporation

Reconciliation Detail

TEXPOOL ACCOUNT, Period Ending 02/28/2023

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						6,751,160.10
Cleared Transactions						
Deposits and Credits - 1 item						
General Journal	02/28/2023	103		X	23,300.62	23,300.62
Total Deposits and Credits					23,300.62	23,300.62
Total Cleared Transactions					23,300.62	23,300.62
Cleared Balance					23,300.62	6,774,460.72
Register Balance as of 02/28/2023					23,300.62	6,774,460.72
Ending Balance					23,300.62	6,774,460.72

Economic Development Corporation

H.2.

Meeting Date: March 30, 2023

Contact: Fred Welch, Executive Director, Copperas Cove EDC

Subject:

Consideration and action on approving additional funding to the City of Copperas Cove for the reconstruction of Constitution Drive.

Description/Information:

On February 24, 2021, during a Regular Meeting of the CCEDC, a general discussion was held concerning approval for the authorization of expenditures for infrastructure related to the Constitution Drive Drainage and Roadway Improvements project.

This Project was part of the City of Copperas Cove's 2022-2026 Capital Improvement Plan ("CIP") and, at that time, consisted of two components: a) the Drainage portion in the amount of \$442,008 and b) the Street Reconstruction portion in the amount of \$1,597,545 for a total of \$2,039,553. The overall project would improve additional roadway access to The Narrows Business and Technology Park from Business 190.

On March 24, 2021, the CCEDC Board of Directors approved Resolution # EDC-2021-01 to fund the Constitution Drive reconstruction project, not to exceed \$2,039,553.

In February 2023, the CCEDC received a request to provide additional funding to this project to cover the shortfall and an 8% contingency fee (for unforeseen change fees) for a total amount of \$716,000.

On February 22, 2023, Board Chair JC Stubbs tabled the item, to be brought back in March.

Financial Impact:

\$716,000

Action/Recommendation:

EDC staff requests CCEDC Board consider approving the additional funding request of \$716,000 made by the City of Copperas Cove for the reconstruction of Constitution Drive.

Attachments:

Request letter from City of Copperas Cove
Resolution # EDC 2021-01



“The City Built for Family Living”

Public Works

February 14, 2023

Copperas Cove Economic Development Corporation Board
C/O: Fred Welch, Director

Re: Constitution Drive Reconstruction Project

Dear Mr. Welch,

As we have briefly discussed, the Constitution Drive Reconstruction Project (Project) is fully designed and was recently readvertised for bids. On February 6, one bid was received for the construction of the Project in the amount of \$2,354,453. This amount exceeds the remaining amount of the original budget less design and advertisement (\$1,826,744) for this Project by \$527,709. The purpose of this memorandum is to provide background details and to respectfully request that the Copperas Cove Economic Development Corporation Board (EDC) consider supplementing the original funding for this critical project in the amount of the shortfall, plus a contingency for unforeseen change orders (at approximately 8% of the bid price) that may occur during construction, for a total of \$716,000.

Background:

Following the City’s assessment of a section of Constitution Drive between US BUS 190 and MLK Jr. Blvd. in 2020, it was determined that the section of roadway had failed and would need to be reconstructed. The City subsequently identified the project in the City’s Capital Improvement Plan for future funding. However, as this section of Constitution Drive is a primary feed into a significant portion of the existing business hub of the City and the Narrows Business Park, discussions between the EDC and the City ensued and resulted in the EDC’s commitment to fund this critical project in the originally budgeted amount indicated above. This commitment was memorialized by EDC Resolution No. EDC-2021-05 on September 22, 2021. Following this commitment, City staff promptly engaged Kimley-Horn to design the Project and provide bidding and construction phase services for the project’s ultimate construction.

The Project was originally scoped to reconstruct approximately 3,600 linear feet of asphalt/flexible base roadway and install drainage infrastructure to take stormwater underground to ensure the longevity of the reconstructed roadway. However, as design progressed, in early 2022 it was determined that significant obstacles made the drainage improvements impractical due to limited elevation changes throughout the Project and numerous existing utility conflicts. Overcoming these obstacles would have increased the Project cost more than an additional \$700,000 (pricing in early 2022). Following this determination, the Project was value engineered and the design scope was ultimately changed to eliminate the proposed underground drainage improvements. However, to ensure longevity of the project it was also determined that as stormwater would remain on the surface, the roadway would need to be constructed out of concrete, rather than asphalt/flexible base. The durability of the material will also serve the substantial heavy truck traffic that frequents this area due to the business base.

Kimley-Horn completed the Project’s final design in September 2022 and the City subsequently advertised the Project for bids and held a bid opening on October 13, 2022. No bids were received as a result of this effort and, when polled, plan holders indicated that the bid date was too close to the Holiday Season and that they couldn’t ensure their respective



“The City Built for Family Living”

Public Works

availability to commence with a project in the new year (2023) and, therefore, did not bid on the Project. The City recently readvertised the project in January 2023 and Kimley-Horn made a significant effort to reach out to prior and current plan holders in an effort to secure multiple competitive bids. Despite this effort, only one bid was received. However, following evaluation of the submitted bid and the submitter’s references, it has been determined that TTG Utilities, LP is a reputable contractor that has successfully completed numerous City and State projects. Further, the bid has been determined to be fair, balanced and reflective of current industry pricing, which have significantly increased over the last two years as a result of supply constraints and high inflation. By comparison, the City has seen and is currently seeing bid prices on its capital projects come in that are 60-200% higher than original opinions of probable construction costs. A copy of Kimley-Horn’s recommendation is attached.

Benefits to Economic Development:

Commercial and industrial development is heavily impacted by the quality of supporting infrastructure surrounding a given location. As was the case when the EDC originally committed to funding this critical Project, this area continues to be a significant hub of commercial economic activity. This section of Constitution serves Walmart, Cinergy Cinemas movie theater, multiple hotels and a variety of surrounding retail and food service entities. As one of the primary feeds from US Bus 190 to the EDC’s Narrows Business Park, this route will become more and more important as the Business Park and adjacent properties develop for adequate circulation. This importance will also increase following construction of the SH 9/US Bus 190 connection that is currently being developed as that connection will deliver SH 9 westbound traffic from SH 9 to the Constitution Drive/US Bus 190 intersection.

Based on the foregoing, the City respectfully requests that the EDC consider providing supplemental funding to enable the City to move forward with the reconstruction of this critical roadway. In accordance with the bidding documents, the City must award (or reject) the bid by May 5, 2023. Please contact me directly should additional details be desired and/or discussion become necessary.

Sincerely,

Scott Osburn
Director of Public Works

Cc: Dan Yancey, Mayor
Ryan Haverlah, City Manager

Encl.: Kimley-Horn Recommendation

Kimley»»Horn

February 8, 2023

Cynthia Taylor
Project/Contract Manager
Public Works Administration
City of Copperas Cove
1601 N. 1st St.
Copperas Cove, TX 76522

Re: Constitution Drive Reconstruction Project
Bid No. PW 2023-01-53
KHA No. 069282101

Dear Cynthia:

On February 6, 2023, sealed bids were received and opened for the referenced project. A total of 1 responsive bid was received and tabulated. A summary of the bid tabulation for the bidder is provided in the table below:

FIRM	TOTAL BASE BID
TTG UTILITIES, LP	\$ 2,354,453.00

Kimley-Horn staff have reviewed the bid and found no bid irregularities among. Additionally, Kimley-Horn staff has reviewed relevant bidder experience and contacted project references provided by the low bidder. Based on the selection criteria set forth in the contract documents and the response of references, it appears that TTG Utilities, LLC is the responsive low bidder providing the best value for this project. We recommend awarding the contract to TTG Utilities, LLC in the amount of \$2,354,453.00.

If you have any questions or comments, please call me at (512) 418-4509.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.
TBPE No. F-928



Jordan S. Kiewit, P.E.

Attachment – Bid Tabulations



BID TABULATION
 City of Copperas Cove
 Constitution Drive Reconstruction Project
 Bid No. PW 2023-01-53

KIMLEY-HORNAND ASSOCIATES, INC.

Owner: City of Copperas Cove		KH Job No.: 062282101		BIDDER 1	
Project: Constitution Drive Reconstruction Project		Date: February 6, 2023		TTG Utilities, LP P.O. Box 299 Gatesville, TX 76528	
Item No.	Item Description	Quantity	Unit	Unit Price	Estimate
Base Bid Items					
1	Mobilization/Demobilization	1	LS	\$236,000.00	\$236,000.00
2	TRAFFIC CONTROL	1	LS	\$110,000.00	\$110,000.00
3	REMOVING CONC (SIDEWALKS)	25	SY	\$20.00	\$500.00
4	REMOVING CONC (CURB&D GUTTER)	3,803	LF	\$12.00	\$45,636.00
5	REMOVING STAB BASE AND ASPH PAV (4'-15")	10,558	SY	\$7.00	\$73,906.00
6	RIGHT OF WAY PREPARATION	1	LS	\$29,753.90	\$29,753.90
7	EXCAVATION (ROADWAY)	533	CY	\$35.00	\$18,656.00
8	EMBANKMENT(FINAL)(DENSE COMPACT)	78	CY	\$45.00	\$3,510.00
9	FLBS (CHIP IN PLACE)TY D GR 1&2 (6")	10,558	SY	\$20.00	\$211,160.00
10	LIME (HYD. COM. OR OK)(SLURRY)	256.8	TON	\$330.00	\$84,744.00
11	LIME TRT (EXT MATL) (6")	10,558	SY	\$10.00	\$105,580.00
12	CONC PAVT (CONT REING-CRCP) (1")	7,456	SY	\$140.00	\$1,043,840.00
13	CONC PAVT (CONT REING-CRCP) (HES) (1")	1,640	SY	\$145.00	\$237,800.00
14	CONC CURB (MONO) (TY II)	3,603	LF	\$13.00	\$46,839.00
15	CONC SIDEWALKS (6")	228	SF	\$22.00	\$4,950.00
16	REFL PAV MRK TY I (M) (SLD) (100MIL)	284	LF	\$3.00	\$852.00
17	REFL PAV MRK TY I (M) (2") (SLD) (100MIL)	285	LF	\$14.00	\$3,990.00
18	REFL PAV MRK TY I (M) (2") (SLD) (100MIL)	2,789	LF	\$3.00	\$8,367.00
19	PAVEMENT SEALER 4"	2,789	LF	\$2.00	\$5,578.00
20	PAVEMENT SEALER 6"	284	LF	\$3.00	\$852.00
21	PAVEMENT SEALER 24"	285	LF	\$4.00	\$1,140.00
22	PREFAB PAV MRK TY B (M) (4") (BRK) (CNTST)	700	LF	\$22.00	\$15,400.00
23	PREFAB PAV MRK TY B (M) (W) (R) (CNTST)	6	EA	\$2,600.00	\$15,500.00
24	PREFAB PAV MRK TY B (M) (A) (R) (CNTST)	6	EA	\$3,900.00	\$23,400.00
25	REFL PAV MRK TY I-C	18	EA	\$8.00	\$144.00
26	REFL PAV MRK TY II-A	63	EA	\$8.00	\$504.00
27	REFL PAV MRK TY II-C-R	30	EA	\$8.00	\$240.00
28	ELM EXT PAV MRK & MRKS (4")	350	LF	\$4.00	\$1,400.00
29	PAV SURF PREP FOR MRK (4")	2,789	LF	\$2.00	\$5,578.00
30	PAV SURF PREP FOR MRK (6")	700	LF	\$4.00	\$2,800.00
31	PAV SURF PREP FOR MRK (8")	284	LF	\$2.00	\$568.00
32	PAV SURF PREP FOR MRK (14")	285	LF	\$5.00	\$1,425.00
33	PAV SURF PREP FOR MRK (A) (R) (D) (A)	6	EA	\$75.00	\$450.00
34	PAV SURF PREP FOR MRK (A) (R) (D) (A)	6	EA	\$75.00	\$450.00
35	ROCK FILTER DAMS (INSTALL) (TY 2)	40	LF	\$90.00	\$3,600.00
36	ROCK FILTER DAMS (REMOVE)	40	LF	\$30.00	\$1,200.00
37	CONSTRUCTION EXITS (INSTALL) (TY 1)	111.1	SY	\$90.00	\$9,999.00
38	CONSTRUCTION EXITS (REMOVE)	111.1	SY	\$15.00	\$1,666.50
39	BIODEGRADABLE CONT LOGS (INSTALL)	60	LF	\$35.00	\$2,100.00
40	BIODEGRADABLE CONT LOGS (REMOVE)	60	LF	\$14.00	\$840.00

TOTAL BASE BID \$2,354,453.00

MATHEMATICAL ERROR. CORRECTED AMOUNT SHOWN.

CHECKED BY: 
 DATE: 2/7/2023

CITY OF COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION

RESOLUTION NO EDC 2021-01.

A RESOLUTION APPROVING THE AUTHORIZATION OF EXPENDITURES FOR INFRASTRUCTURE NECESSARY TO PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, at a meeting of the Board of Directors of the Copperas Cove Economic Development Corporation (CCEDC), duly held on March 24, 2021, a general discussion was held concerning approval for the authorization of expenditures for infrastructure related to the Constitution Drive Drainage and Roadway Improvements project; and

WHEREAS, it is proposed that the CCEDC Board consider funding both components of the Project, which covers Constitution Drive from east business Highway 190 to MLK Jr Drive. Such project would improve additional roadway access to The Narrows Business and Technology Park from Highway 190 and is an allowable expenditure of CCEDC funds pursuant to Section 501.103, Texas Local Government Code; and

WHEREAS, the Project is part of the City of Copperas Cove's 2022-2026 Capital Improvement Plan ("CIP") and presently has two components: a) the Drainage portion in the amount of \$442,008 and b) the Street Reconstruction portion in the amount of \$1,597,545 for a total of \$2,039,553; and

WHEREAS, it is proposed that the CCEDC Board approve an amount not to exceed \$2,039,553.00 for design and construction of such Project.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE COPPERAS COVE ECONOMIC DEVELOPMENT CORPORATION THAT:

SECTION 1: The Board of Directors of the Copperas Cove Economic Development Corporation hereby approves Resolution No.EDC-2021-01, for infrastructure improvements comprised of the Drainage portion for \$442,008 and the Street Reconstruction for \$1,597,545, for a total not to exceed \$2,039,553.00, in line with the study undertaken by the City of Copperas Cove for the 2022-2026 CIP.

SECTION 2: Such approval of this Project will also result in an amendment to the CCEDC budget subject to approval by both the Board and the City Council of the City of Copperas Cove.

SECTION 3: This Resolution shall be in full force and effect from and after its passage and adoption.

PASSED, APPROVED AND ADOPTED on this 24 day of March, 2021 at a regular meeting of the CCEDC which meeting was held in compliance with the Open Meetings Act. *Tex. Govt Code*, §551.001, et seq. at which a meeting a quorum was present and voting.




J.C. Stubbs, Chairman

ATTEST:



Jay Jackson, Secretary

APPROVED AS TO FORM:



The Knight Law Firm, LLP, EDC Attorney

Economic Development Corporation

H.3.

Meeting Date: March 30, 2023

Contact: Fred Welch, Executive Director, Copperas Cove EDC

Subject:

Consideration and action on appointing a firm to provide grant writing and professional services to support a grant for the Economic Development Administration (EDA) to fund certain public infrastructure improvements. **Fred Welch, Executive Director, Copperas Cove EDC.**

Description/Information:

On March 10, 2023, and again on March 17, 2023, the EDC published a RFP for grant writing and technical assistance to assist the CCEDC with a grant application to the Economic Development Administration. The CCEDC is seeking infrastructure assistance through the EDA to develop property along Mashburn Drive, where there are no utilities on the land.

Financial Impact:

N/A

Action/Recommendation:

CCEDC staff recommends the Board approve a firm to provide grant writing and professional services.

Attachments:

Backup

RESOLUTION #EDC 2023-02

A RESOLUTION OF **COPPERAS COVE** TEXAS ECONOMIC DEVELOPMENT CORPORATION, AUTHORIZING PROFESSIONAL SERVICE PROVIDER(S) SELECTION FOR ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) THROUGH THE U.S. DEPARTMENT OF COMMERCE FEDERAL FUNDING OPPORTUNITY FOR THE ECONOMIC ADJUSTMENT ASSISTANCE (EAA) PROGRAM(S).

WHEREAS, participation in Economic Adjustment Assistance (EAA) program(s) requires implementation by professionals experienced in the administration of federally-funded projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for project delivery services has been completed in accordance with the federal requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service giving consideration to the ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources

NOW, THEREFORE, BE IT RESOLVED:

Section 1.	That _____ is selected to provide project-related application and project delivery services for EAA program(s).
Section 2.	That any and all project-related services contracts or commitments made with the above-named service provider(s) are dependent on the successful negotiation of a contract with the service provider(s).

PASSED AND APPROVED ON _____.

APPROVED:

Copperas Cove EDC Chair

ATTEST:

Copperas Cove EDC Secretary (Signature)



CORPORATE BYLAWS

ARTICLE I

Section 1. AUTHORITY. In order to implement the purposes for which the Copperas Cove Economic Development Corporation (the, "Corporation") was formed as set forth in the Articles of Incorporation, the Corporation shall receive, secure, and reimburse tax proceeds from the half cent sales tax for economic development and may issue obligations to finance all or part of the cost of one or more "projects" or other uses authorized by Chapters 501, 502 and 504 of the Texas Local Government Code (the "Act"), as amended (the "Code").

Section 2. POWERS. The property and business of the Corporation shall be managed by the Board of Directors, which may exercise all powers of the Corporation.

Section 3. INTERFERENCE WITH ADMINISTRATION. Should the Corporation fall under the City of Copperas Cove for administrative and oversight purposes, neither the Copperas Cove Economic Development Corporation Board of Directors nor its individual members, including the Chairman, shall give any order or direction, public or private, to any officer or employee who is subject to the direction and supervision of the City Manager where the spirit and intent is to interfere with the management and administration of the City.

ARTICLE II

DIRECTORS AND OFFICERS

Section 1. BOARD OF DIRECTORS. The property and affairs of the Corporation shall be managed and controlled by the Board of Directors ("Board"), subject to the restrictions imposed by law, the Articles of Incorporation/Formation and Bylaws, and shall be composed in its entirety of five (5) persons appointed by the City of Copperas Cove City Council (the, "Unit"). The Directors and Officers shall be appointed and serve in accordance with Texas Local Government Code Chapter 504, Subchapter B. The Directors shall serve for two (2) staggered three-year terms.

Of the five directors, four shall be appointed to serve as Officers as described in Section 4. There shall also be a Unit Liaison as described in Section 5.

Section 2. TERM OF OFFICE

A. **Tenure:** Directors shall serve a term of three (3) years, be reviewed by the Unit annually, and are eligible for reappointment upon approval of the Unit. To maintain the operations of the Corporation, a Director shall continue to serve in the capacity of Director until such time as their successor is appointed by the governing body and sworn in as a Director of the Corporation.

B. **Vacancies:** Vacancies on the Board shall be filled by the appointment of successor Directors by the Unit.

C. **Absences:** Regular attendance at Board meetings is required of all Directors. Should any Director miss three consecutive meetings or meetings equaling fifty percent (50%) of the regularly scheduled meetings over any twelve-month period, the Chairman shall submit to the full Board for their consideration an item concerning such Director's absences. Should the Board determine that such Director be replaced, the Chairman shall provide such recommendation, in writing, to the City Secretary for consideration by the Unit.

Section 3. BASIC ECONOMIC DEVELOPMENT COURSE (BEDC). The Executive Director of the EDC shall provide each new board member with an overview of the Corporation's economic development policies and procedures in the first 90 days of appointment. Members of the Board of Directors may attend the Basic Economic Development Course (BEDC) within twelve months of the initial appointment date to the Board of Directors. In addition, within 90 days of taking the oath of office, the Director shall complete the courses of training regarding their responsibilities as a Board Member in accordance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act and Chapter 552 of the Texas Government Code, the Public Information Act. These courses may be completed online. Proof of Certificate of Completion shall be provided to the Executive Director or appointed Staff.

Section 4. OFFICERS: Each October, at the Annual or Regular meeting of the Board, the Directors shall organize, appointing a Chairman, Vice Chairman, Treasurer and Secretary by resolution. Any Officer may be removed from such office at any time by an affirmative vote of a majority of the whole Board. If the office of any Officer becomes vacant for any reason, the vacancy in such an office shall be filled by the Board of Directors. The same person may not hold the offices of Chairman and Secretary.

A. **The Chairman** shall preside at all meetings of the Board of Directors and shall be an ex officio member of all standing committees, shall have a general supervision of the management of the business of the Corporation, and shall see that all orders and resolutions of the Board of Directors are carried into effect. Once reviewed and approved by the Unit, the Chairman may execute bonds, mortgages, and other contracts requiring a seal of the

Corporation, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation.

B. **The Vice-Chairman**, in the absence or disability of the Chairman, performs the duties and exercises the powers of the Chairman and shall perform such other duties as the Board of Directors shall prescribe. Additionally, the Vice-Chairman is granted the authority to sign all legal documents for the Corporation requiring the signature of Chairman should the Chairman be unavailable to complete such duties and/or responsibilities.

C. **The Treasurer** shall attend all sessions of the Board of Directors and provide a monthly report to the Board of the Corporation's budget and expenses as prepared for staff by the Corporation's accounting/bookkeeping firm. The Treasurer will report and assist staff as needed in preparation and maintenance of the operating budget, reserves, and indebtedness of the Corporation. The Treasurer will review the annual audit with staff and the Corporation's auditing firm for presentation and approval by the Board. The Treasurer will advise the board on risk assessments provided by the Corporation's Financial Advisors, including corporate investments, loans and incentives negotiated for business development and other activities as defined for Type "A" Sales Tax cities in statute. The Treasurer shall have such powers and perform such other duties as may be incident to the office and those duties assigned to the Treasurer by the Board of Directors or pursuant to these by-laws. The Treasurer shall, in the absence, unavailability, or disability of the Chairman and Vice-Chairman, perform the duties and exercises the powers of the Chairman, including the authority to sign all legal documents for the Corporation requiring the Chairman.

D. **The Secretary** shall attend all sessions of the Board of Directors and cause to be recorded accurate minutes of the proceedings in compliance with all statutes and ordinances governing the EDC as well as the bylaws and resolutions of the City Council. The Secretary shall give, or cause to be given, notice of all special meetings of the Board of Directors and shall perform other such duties as may be prescribed by the Board of Directors or the Chairman, under whose supervision the position shall be. The Secretary shall keep in safe custody the seal of the Corporation and, when authorized by the Board, affix the same to any instrument requiring it, and when so affixed, it shall be required as to instruments executed in the course of ordinary business and shall attest to the signature of the Chairman and shall affix the seal hereto.

Section 5. UNIT LIASON

A. Any Unit liaison or designee may attend all meetings of the Board of Directors, including executive, private or public. These representatives shall not have the power to vote in the meetings they attend. Their attendance shall be for the purpose of ensuring the flow of information occurs to assist project movement. The Board reserves the right to exclude any person from Executive Session if it is deemed to be in the best interest of the Corporation to do so.

ARTICLE III

Section 1. ANNUAL MEETING

The annual meeting of the Corporation shall be held during the Regular October Meeting at the Corporate offices Board Room or publicly accessible location in the City of Copperas Cove. All other meetings may be held at the place selected within the corporate limits of the City of Copperas Cove, Texas.

Every Annual, Regular, or Special Meeting of the Board of Directors shall be open to the public, except as otherwise permitted by the Constitution of the State of Texas or by the Open Meetings Act, Texas Government Code Chapter 551.

Section 2. MEETINGS

A. Regular Meetings

Regular Meetings shall be held monthly on the fourth Wednesday beginning at 12 pm at the Unit's Technology Building, 508 S 2nd St, Copperas Cove other location within the City of Copperas Cove deemed accessible to the public with ability to record the meeting. All Regular Meetings of the Board shall be recorded. All meetings of the Board shall be held in accordance with the Texas Open Meetings Act. All meeting notices shall be placed on the Official Notice location for the Copperas Cove Economic Development Corporation with a copy to be placed Official Bulletin Board of the Copperas Cove EDC, located at 207 South 3rd Street Suite 200, Copperas Cove, Texas, as well as on the City's community bulletin board, located at City Hall, 914 S. Main Street, Copperas Cove, Texas. All meeting agendas shall adhere to the agenda format utilized by the Unit for its meetings. All meeting minutes of the Board shall be posted on the Corporation's and City's website upon approval by the Board.

Meetings of the Board and requests for public information shall comply with the Texas Government Code Chapters 551, and 552.

B. Special Meetings

Special meetings of the Board may be called by the Chairman on three days' notice to each Director, either personally, by regular mail or by electronic mail. Special meetings may also be called by the Chairman in a like manner at the written request of two Directors.

Section 3. QUORUM

At all meetings of the Board of Directors a majority of the entire membership of the Board shall constitute a quorum for the transaction of business. Unless otherwise provided in these Bylaws or in the Articles of Incorporation/Formation or as required by law, the act of a simple majority of the Directors present at any meeting for which a quorum is present shall be the act of the Board of Directors.

ARTICLE IV

COMMITTEES

The Board may, by resolution or resolutions adopted by a majority of the Board, establish one or more committees, each committee consisting of up to two of the Directors of the Corporation. Such committee or committees shall have such name or names, and such powers, as may be determined from time to time by resolution adopted by the Board.

A committee shall keep regular meeting minutes of their proceedings and report the same to the Board. A committee shall file the official approved minutes with the Corporation's Office.

ARTICLE V

Section 1. FISCAL YEAR: The fiscal year shall be from October 1 to September 30 each year.

Section 2. BONDS: The Corporation shall not issue any bonds or certificates of obligation pursuant to the Code, unless the City of Copperas Cove City Council (the "Unit") has approved said action by resolution, adopted no less than thirty (30) days prior to the date of the issuance of the bonds or certificates of obligation. The Unit shall have the authority to request the Corporation to expend funds to support eligible projects pursuant to the Code.

Section 3. MONTHLY FINANCIAL REPORTING. The Corporation shall review and upon approval by the Board submit monthly financial reporting in a format approved by the Unit. All books and records of the Corporation shall be maintained in accordance with Section 501.073 of the Texas Local Government Code. The Unit and the Corporation acknowledge and agree that the management of the Corporation's financial records shall be administered by a competent accountant familiar and experienced with governmental accounting.

Section 4. ANNUAL AUDIT All expenditures of the Corporation shall be completed in accordance with Texas Local Government Code chapter 501, Subchapter A, Section 501.073, and Chapter 504. The Corporation shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. The audit shall be completed by an independent auditor selected by the corporation.

Section 5. MONTHLY REPORTS. The Board of Directors shall have prepared for each annual meeting a full and clear statement of the business and condition of the Corporation. The Corporation will be audited annually. The audit shall be presented to the Unit for review. The Corporation will submit reports to the unit as requested. The audit will be submitted to the Unit for inclusion in its budget.

Section 6. DIVIDENDS. No dividends shall ever be paid by the Corporation and no part of its net earning remaining after payment of its expenses shall be distributed to or inure to the benefit of its directors or officers or any individual, firm, corporation, or association, except that in the event the Board of Directors shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the Corporation, then any net earnings, of the Corporation upon dissolution shall be

paid to the City of Copperas Cove, Texas.

Section 7. SIGNATORY. All checks for items that are in the current budget and within the line-item budget for such item and do not exceed \$2,500 for a specific expenditure may be signed by the Executive Director without additional Board approval. All checks of the Corporation equal to or greater than \$2,501 for a specific expenditure shall be signed by the Corporation's authorized signatories (1) plus the Executive Director upon Board approval of the expenditure(s). All notes of the Corporation shall be signed by such officers as the Board may from time to time designate.

Section 8. ANNUAL BUDGET. The Executive Director shall prepare each year a Corporation itemized budget to cover the proposed expenditures of the Corporation for the succeeding year. The proposed budget shall be submitted to the Board the 90th day prior to the Board adoption of the budget. The Board shall submit the proposed itemized budget to the Unit's City Secretary, for record and placement on the Council agenda, before the 60th day before the Unit is scheduled to approve the Corporation's budget. The itemized budget shall provide as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes made for the preceding year. The budget must show as definitely as possible each of the projects for which expenditures are set up in the budget and the estimated amount of money carried in the budget for each project. The budget must contain a complete financial statement of the Corporation that shows (1) the outstanding obligations of the Corporation; (2) the cash on hand to the credit of each fund; (3) the funds received from all sources during the preceding year; (4) the funds available from all sources during the ensuing year; and (5) the estimated revenue available to cover the proposed budget. A public hearing shall be held by the Unit's governing body. The Unit's governing body shall set the public hearing date after the 15th day after the date the Board files the proposed budget with the City Secretary. The Corporation shall provide notice of the date, time and location of the hearing and the approval date by the Unit on the Corporation's website.

Section 9. CASH RESERVE/CAPITAL PROJECT FUNDS. The Corporation shall maintain unencumbered cash reserves equivalent to three (6) months expenditures for the Operating Fund. Any long-term debt shall have at least a three (3) month reserve or whatever is required by bond ordinance or instrument (once reviewed and approved by the Unit). Unencumbered cash reserves in excess of the recommended amounts may be moved to the Reserves of the Corporation for use in future Capital Projects or extraordinary expenses not budgeted but approved by the Board. These Capital Projects Funds may be used in a manner prescribed by the Board of Directors for a major capital outlay, capital improvement, land acquisition, incentives or assistance to qualified businesses or other items allowed by Texas Law. Disbursement from the Capital Project Fund shall be by budget appropriation. Upon approval by the Unit funds may also be transferred from the Capital Project Fund to the Operating Fund Reserve when the level of reserve falls below minimum levels with approval of the Board of Directors.

Section 10. BUDGET TRANSFERS. The Executive Director with the approval of the Chairman shall be authorized to complete line-item transfers within the Budget, without increasing the total budget. These line-item transfers will be completed by budget reallocation, as needed, and will be presented to the Board for approval. Estimated expenditures shall not exceed estimated resources. If at any time the budget needs to be amended through an increase, a majority vote of the Board and approval of the Unit will be required. Any budget

reallocations between funds equal to or greater than \$50,000.00 will require the approval of the Unit.

Section 11. INVESTMENT POLICY. Temporary and idle funds which are undesignated may be invested in any legal manner authorized by the Public Funds Investment Act and authorized by the Corporation's approved Investment Policy. The Corporation's Investment Policy must be reviewed and approved annually by the Board.

Section 12. EXECUTIVE DIRECTOR AND SALARY: The Executive Director Position shall be posted, or may be sought through an executive search firm, as may be decided by a vote of the Board. It is desired that the Executive Director shall be a graduate of the Economic Development Institute or complete such course within two years of employment. The salary and benefits of the Executive Director shall be decided upon and approved by the Board and the Unit. Immediate succession in the event of retirement, resignation, disability or absence of the Executive Director will fall to the Assistant Director of the EDC on a temporary basis until a decision is made as to whether that move is final, as decided by a vote of the Board, or the Board desires to seek assistance through an executive search firm.

Section 13. ASSISTANT EXECUTIVE DIRECTOR AND SALARY: The Assistant Executive Director position shall be posted, or may be sought through an executive search firm, as may be decided by a vote of the Board. It is desired that the Assistant Executive Director shall be a graduate of the Economic Development Institute or complete such a course within two years of employment. The salary and benefits of the Assistant Executive Director shall be decided upon and approved by the Board and the Unit. In the absence, disability, retirement, or resignation of the Executive Director, the Assistant Executive Director shall perform the duties and exercise the powers of the Executive Director on an interim basis until an Executive Director is appointed as set out in Section 12 hereinabove.

ARTICLE VI

Section 1. NOTICES: Whenever under the provisions of the statutes or these Bylaws, notice is required to be given to any Director, it shall not be construed to mean personal notice, but such notice may be given in writing, by regular mail or electronic mail addressed to such Director at such address as appears on the books of the Corporation and such notice shall be deemed to be given at the time when the same shall be thus mailed.

Whenever any notice is required to be given under the provisions of the statutes or of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

ARTICLE VII

Section 1. OFFICES: The principal office of the Copperas Cove Economic Development Corporation (the "Corporation") shall be at 207 S 3rd Street, Suite 200, Copperas Cove, Texas 76522. The offices may move to another location in the City provided the Unit is notified and the location is open to the public. These by-laws will remain the same except for the new office location which will be amended.

ARTICLE VIII

Section 1. AMENDMENTS: These Bylaws are not in force until approved by the Unit. These Bylaws may not be altered, changed, or amended in any manner without review and approval by the Unit. Amendments must be completed in accordance with the Texas Local Government Code Section 501.064(c)(2) and shall be reviewed a minimum of every two (2) years.

PASSED, APPROVED AND ADOPTED this _____ day of _____ at a meeting of the Economic Development Corporation of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meeting Act, Texas, and Gov't Code 551.001, et. seq, at which meeting a quorum was present and voting.

**COPPERAS COVE
ECONOMIC DEVELOPMENT CORPORATION**

J C STUBBS, Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:

The Knight Law Firm, LLP
Copperas Cove Economic Development Corporation Attorney

APPROVED BY THE UNIT ON THIS _____ DAY OF _____, 2023 at a meeting held in compliance with the Open Meetings Act (Texas Government Code, Article 551.001 et seq), at which meeting a quorum was present and voting.

CITY OF COPPERAS COVE, TEXAS

Dan Yancey

ATTEST:

Lisa Wilson, City Secretary

APPROVED TO AS FORM:

Denton, Navarro, Rocha Bernal, & Zech, P.C., City Attorney

Amended by CCEDC Board 2/19/2016 Approved by City Council 3/1/2016 Adopted by CCEDC Board 3/24/2016

Amended by CCEDC Board 10/18/2016 Approved by City Council 11/1/16

Amended by CCEDC Board 2/23/17 Approved by City Council 3/7 /17

Amended by CCEDC Board 1/24/18

Amended by the CCEDC Board 10/4/2018

Amended/Approved by the CCEDC Board 09/25/2019

Amended/Approved by the CCEDC Board 10-23-2019 Approved by City Council 11/5/2019

Amended/Approved by CCEDC BOD 10-25-2022 Approved by City Council 11/15/2022 *



CORPORATE BYLAWS

ARTICLE I

Section 1. AUTHORITY. In order to implement the purposes for which the Copperas Cove Economic Development Corporation (the, "Corporation") was formed as set forth in the Articles of Incorporation, the Corporation shall receive, secure, and reimburse tax proceeds from the half cent sales tax for economic development and may issue obligations to finance all or part of the cost of one or more "projects" or other uses authorized by Chapters 501, 502 and 504 of the Texas Local Government Code (the "Act"), as amended (the "Code").

Section 2. POWERS. The property and business of the Corporation shall be managed by the Board of Directors, which may exercise all powers of the Corporation.

Section 3. INTERFERENCE WITH ADMINISTRATION. Should the Corporation fall under the City of Copperas Cove for administrative and oversight purposes, neither the Copperas Cove Economic Development Corporation Board of Directors nor its individual members, including the Chairman, shall give any order or direction, public or private, to any officer or employee who is subject to the direction and supervision of the City Manager where the spirit and intent is to interfere with the management and administration of the City.

ARTICLE II

DIRECTORS AND OFFICERS

Section 1. BOARD OF DIRECTORS ORGANIZATION. The property and affairs of the Corporation shall be managed and controlled by the Board of Directors ("Board"), subject to the restrictions imposed by law, the Articles of Incorporation/Formation and Bylaws, and shall be composed in its entirety of five (5) persons appointed by the City of Copperas Cove City Council (the, "Unit"). The Directors and Officers shall be appointed and serve in accordance with Texas Local Government Code Chapter 504, Subchapter B.

The number of Directors shall serve be five (5) members appointed by the Unit for two (2) staggered three-year terms. Terms of three (3) of the Directors shall begin on October 1 of even numbered years and expire on September 30 of the odd year three years later. The terms of two (2) of the Directors shall begin on October 1 of odd numbered years and expire on September 30 of the even numbered year three years later

Commented [BBW1]: Can stay

Of the five directors, four shall be appointed to serve as Officers as described in Section 4. There shall also be a Unit Liaison ~~Ex-Officio directors~~ as described in Section 5.

~~Section 2. QUALIFICATION FOR OFFICE. All Directors shall be either (1) a resident of the Copperas Cove territory, (2) a business owner or operator with substantial presence in the Copperas Cove Territory, or (3) a person with a demonstrable vested interest in the territory of City of Copperas Cove. A demonstrative vested interested may mean, but not limited to, some knowledge as it applies to the territory of Copperas Cove, of real estate, construction planning, work force development, a representative of a local community college, university, higher education, or K-12 education, a member of a local area chamber of commerce, or transportation planning organization.~~

Section 2. TERM OF OFFICE

A. Tenure: Directors shall serve a term of three (3) years, be reviewed by the Unit annually, and are eligible for reappointment upon approval of the Unit. To maintain the operations of the Corporation, a Director shall continue to serve in the capacity of Director until such time as their successor is appointed by the governing body and sworn in as a Director of the Corporation.

B. Vacancies: Vacancies on the Board shall be filled by the appointment of successor Directors by the Unit.

C. Absences: Regular attendance at Board meetings is required of all Directors. Should any Director miss three consecutive meetings or meetings equaling fifty percent (50%) of the regularly scheduled meetings over any twelve-month period, the Chairman shall submit to the full Board for their consideration an item concerning such Director's absences. Should the Board determine that such Director be replaced, the Chairman shall provide such recommendation, in writing, to the City Secretary for consideration by the Unit.

Section 3. BASIC ECONOMIC DEVELOPMENT COURSE (BEDC). The Executive Director of the EDC shall provide each new board member with an overview of the Corporation's economic development policies and procedures in the first 90 days of appointment. Members of the Board of Directors may attend the Basic Economic Development Course (BEDC) within twelve months of the initial appointment date to the Board of Directors. In addition, within 90 days of taking the oath of office, the Director shall complete the courses of training regarding their responsibilities as a Board Member in accordance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act and Chapter 552 of the Texas Government Code, the Public Information Act. These courses may be completed online. Proof of Certificate of Completion shall be provided to the Executive Director or appointed Staff.

Section 4. OFFICERS: Each October, at the Annual or Regular meeting of the Board, the Directors shall organize, appointing a Chairman, Vice Chairman, Treasurer and Secretary by resolution. Any Officer may be removed from such office at any time by an affirmative vote of a majority of the whole Board. If the office of any Officer becomes vacant for any reason, the vacancy in such an office shall be filled by the Board of Directors. The same person may not hold the offices of Chairman and Secretary.

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A. **The Chairman** shall preside at all meetings of the Board of Directors and shall be an ex officio member of all standing committees, shall have a general supervision of the management of the business of the Corporation, and shall see that all orders and resolutions of the Board of Directors are carried into effect. Once reviewed and approved by the Unit, the Chairman may execute bonds, mortgages, and other contracts requiring a seal of the Corporation, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the Corporation.

B. **The Vice-Chairman**, in the absence or disability of the Chairman, performs the duties and exercises the powers of the Chairman and shall perform such other duties as the Board of Directors shall prescribe. Additionally, the Vice-Chairman is granted the authority to sign all legal documents for the Corporation requiring the signature of Chairman should the Chairman be unavailable to complete such duties and/or responsibilities.

C. **The Treasurer** shall attend all sessions of the Board of Directors and provide a monthly report to the Board of the Corporation's budget and expenses as prepared for staff by the Corporation's accounting/bookkeeping firm. The Treasurer will report and assist staff as needed in preparation and maintenance of the operating budget, reserves, and indebtedness of the Corporation. The Treasurer will review the annual audit with staff and the Corporation's auditing firm for presentation and approval by the Board. The Treasurer will advise the board on risk assessments provided by the Corporation's Financial Advisors, including corporate investments, loans and incentives negotiated for business development and other activities as defined for Type "A" Sales Tax cities in statute. The Treasurer shall have such powers and perform such other duties as may be incident to the office and those duties assigned to the Treasurer by the Board of Directors or pursuant to these by-laws. The Treasurer shall, in the absence, unavailability, or disability of the Chairman and Vice-Chairman, perform the duties and exercises the powers of the Chairman, including the authority to sign all legal documents for the Corporation requiring the Chairman.

D. **The Secretary** shall attend all sessions of the Board of Directors and cause to be recorded accurate minutes of the proceedings in compliance with all statutes and ordinances governing the EDC as well as the bylaws and resolutions of the City Council. The Secretary shall give, or cause to be given, notice of all special meetings of the Board of Directors and shall perform other such duties as may be prescribed by the Board of Directors or the Chairman, under whose supervision the position shall be. The Secretary shall keep in safe custody the seal of the Corporation and, when authorized by the Board, affix the same to any instrument requiring it, and when so affixed, it shall be required as to instruments executed in the course of ordinary business and shall attest to the signature of the Chairman and shall affix the seal hereto.

Section 5. UNIT LIAISON

A. Any Unit liaison or designee may attend all meetings of the Board of Directors, including executive, private or public. These representatives shall not have the power to vote in the meetings they attend. Their

attendance shall be for the purpose of ensuring the flow of information occurs to assist project movement. The Board reserves the right to exclude any person from Executive Session if it is deemed to be in the best interest of the Corporation to do so.

Section 6. TERM OF OFFICE

~~A. Tenure: Directors shall serve a term of three (3) years, be reviewed by the Unit annually, and are eligible for reappointment upon approval of the Unit. To maintain the operations of the Corporation, a Director shall continue to serve in the capacity of Director until such time as their successor is appointed by the governing body and sworn in as a Director of the Corporation.~~

~~B.~~

~~C. Vacancies: Vacancies on the Board shall be filled by the appointment of successor Directors by the Unit.~~

~~D. Absences: Regular attendance at the Board of Directors' meeting is required of all Directors. Should any Director miss three consecutive meetings or meetings equaling fifty percent (50%) of the regularly scheduled meetings over any twelve month period, the Chairman shall submit to the full Board for their consideration an item concerning such Director's absences. Should the Board recommend that such Director's absences not be excused or that such Director be replaced, the Chairman shall provide such recommendation, in writing, to the City Secretary for consideration by the Unit.~~

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Commented [CZ4]: City Council should be able to reappoint someone as many times as they want. If City Council decides someone has served long enough they can just choose not reappoint. This is a policy decision for appointment and not appropriate for the By Laws.

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ARTICLE III

Section 1. ANNUAL MEETING

The annual meeting of the Corporation shall be held during the Regular October Meeting at the Corporate offices Board Room or publicly accessible location in the City of Copperas Cove. All other meetings may be held at the place selected within the corporate limits of the City of Copperas Cove, Texas.

Commented [BBW6]: Fred: Do you want to have any of the meetings at your offices or should this be noted to be at the Technology Center?

Every Annual, Regular, or Special Meeting of the Board of Directors shall be open to the public, except as otherwise permitted by the Constitution of the State of Texas or by the Open Meetings Act, Texas Government Code Chapter 551.

Section 2. MEETINGS

A. Regular Meetings

Regular Meetings shall be held monthly on the fourth Wednesday beginning at 12 pm at the Unit's Technology

~~Building, 508 S 2nd St, Copperas Cove~~ ~~corporate office located at 207 South 3rd Street Suite 200, Copperas Cove, TX 76522,~~ or other location within the City of Copperas Cove deemed accessible to the public with ability to record the meeting. All Regular Meetings of the Board shall be recorded. All meetings of the Board shall be held in accordance with the Texas Open Meetings Act. All meeting notices shall be placed on the Official Notice location for the Copperas Cove Economic Development Corporation with a copy to be placed Official Bulletin Board of the Copperas Cove EDC, located at 207 South 3rd Street Suite 200, Copperas Cove, Texas, as well as on the City's community bulletin board, located at City Hall, 914 S. Main Street, Copperas Cove, Texas. All meeting agendas shall adhere to the agenda format utilized by the Unit for its meetings. All meeting minutes of the Board shall be posted on the Corporation's and City's website upon approval by the Board.

Commented [BBW7]: See comment above

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Meetings of the Board and requests for public information shall comply with the Texas Government Code Chapters 551, and 552.

B. Special Meetings

Special meetings of the Board may be called by the Chairman on three days' notice to each Director, either personally, by regular mail or by electronic mail. Special meetings may also be called by the Chairman in a like manner at the written request of two Directors.

Section 3. QUORUM

~~At all meetings of the Board of Directors ~~the~~ a majority of the entire membership of the Board ~~board of~~ directors shall constitute a quorum for the transaction of business. Unless otherwise provided in these Bylaws or in the Articles of Incorporation/Formation or as required by law, the act of a simple majority of the Directors present at any meeting for which a quorum is present shall be the act of the Board of Directors. ~~Any Director may bring to the attention of the meeting any apparent conflict of interest or potential conflict of interest of any other Director, in which case the Board of Directors shall determine whether a true conflict of interest exists before any vote shall be taken regarding that matter. The Director, as to whom a question of interest has been raised shall refrain from voting regarding the determination as to whether a true conflict exists.~~~~

ARTICLE IV

COMMITTEES

The Board may, by resolution or resolutions adopted by a majority of the Board ~~of Directors~~, establish one or more committees, each committee consisting of up to two of the Directors of the Corporation. Such committee or committees shall have such name or names, and such powers, as may be determined from time to time by resolution adopted by the Board ~~of Directors~~.

~~A~~The committee shall keep regular meeting minutes of their proceedings and report the same to the Board ~~of Directors~~. ~~A~~The cCommittee shall file the official approved minutes with the Corporation's Office.

ARTICLE V

Section 1. FISCAL YEAR: The fiscal year shall be from October 1 to September 30 each year.

Section 2. BONDS: The Corporation shall not issue any bonds or certificates of obligation pursuant to the Code, unless the City of Copperas Cove City Council (the "Unit") has approved said action by resolution, adopted no less than thirty (30) days prior to the date of the issuance of the bonds or certificates of obligation. The Unit shall have the authority to request the Corporation to expend funds to support eligible projects pursuant to the Code.

Section 3. MONTHLY FINANCIAL REPORTING: The Corporation shall review and upon approval by the Board submit monthly financial reporting in a format approved by the Unit. All books and records of the Corporation shall be maintained in accordance with Section 501.073 of the Texas Local Government Code. The Unit and the Corporation acknowledge and agree that the management of the Corporation's financial records shall be administered by a competent accountant familiar and experienced with governmental accounting.

Section 4. ANNUAL AUDIT: All expenditures of the Corporation shall be completed in accordance with Texas Local Government Code chapter 501, Subchapter A, Section 501.073, and Chapter 504. The Corporation shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. The audit shall be completed by an independent auditor selected by the corporation.

Section 5. MONTHLY REPORTS: The Board of Directors shall have prepared for each annual meeting a full and clear statement of the business and condition of the Corporation. The Corporation will be audited annually. The audit shall be presented to the Unit for review. The Corporation will submit reports to the unit as requested. The audit will be submitted to the Unit for inclusion in its budget.

Section 6. DIVIDENDS: No dividends shall ever be paid by the Corporation and no part of its net earning remaining after payment of its expenses shall be distributed to or inure to the benefit of its directors or officers or any individual, firm, corporation, or association, except that in the event the Board of Directors shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the Corporation, then any net earnings, of the Corporation upon dissolution shall be paid to the City of Copperas Cove, Texas.

Section 7. SIGNATORY: All checks for items that are in the current budget and within the line-item budget for such item and do not exceed \$2,500 for a specific expenditure may be signed by the Executive Director without additional Board approval. ~~The only expense the Executive Director may sign for.~~ All checks of the Corporation equal to or greater than \$2,501 for a specific expenditure shall be signed by the Corporation's authorized signatories (1) plus the Executive Director (1) upon Board approval of the expenditure(s). All notes of the Corporation shall be signed by such officers as the ~~Board of Directors~~ may from time to time designate.

Section 8. ANNUAL BUDGET. The Executive Director shall prepare each year a Corporation itemized budget to cover the proposed expenditures of the Corporation for the succeeding year. The proposed budget shall be submitted to the Board the 90th day prior to the Board adoption of the budget. The Board shall submit the proposed itemized budget to the Unit's City Secretary, for record and placement on the Council agenda, before the 60th day before the Unit's ~~Governing Body~~ is scheduled to approve the Corporation's budget. The itemized budget shall provide as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes made for the preceding year. The budget must show as definitely as possible each of the projects for which expenditures are set up in the budget and the estimated amount of money carried in the budget for each project. The budget must contain a complete financial statement of the Corporation that shows (1) the outstanding obligations of the Corporation; (2) the cash on hand to the credit of each fund; (3) the funds received from all sources during the preceding year; (4) the funds available from all sources during the ensuing year; and (5) the estimated revenue available to cover the proposed budget. A public hearing shall be held by the ~~Unit's governing body~~. The ~~Unit's governing body~~ shall set the public hearing date after the 15th day after the date the Board files the proposed budget with the City Secretary. The Corporation shall provide notice of the date, time and location of the hearing and the approval date by the ~~Unit's governing body~~ on the Corporation's website.

Section 9. CASH RESERVE/CAPITAL PROJECT FUNDS. The Corporation shall maintain unencumbered cash reserves equivalent to three (6) months expenditures for the Operating Fund. Any long-term debt shall have at least a three (3) month reserve or whatever is required by bond ordinance or instrument (once reviewed and approved by the Unit). Unencumbered cash reserves in excess of the recommended amounts may be moved to the Reserves of the Corporation for use in future Capital Projects or extraordinary expenses not budgeted but approved by the Board. These Capital Projects Funds may be used in a manner prescribed by the Board of Directors for a major capital outlay, capital improvement, land acquisition, incentives or assistance to qualified businesses or other items allowed by Texas Law. Disbursement from the Capital Project Fund shall be by budget appropriation. Upon approval by the Unit funds may also be transferred from the Capital Project Fund to the Operating Fund Reserve when the level of reserve falls below minimum levels with approval of the Board of Directors.

Section 10. BUDGET TRANSFERS. The Executive Director with the approval of the Chairman shall be authorized to complete line-item transfers within the Budget, without increasing the total budget. These line-item transfers will be completed by budget reallocation, as needed, and will be presented to the ~~Board of Directors~~ for approval. Estimated expenditures shall not exceed estimated resources. If at any time the budget needs to be amended through an increase, a majority vote of the ~~Board of Directors~~ and approval of the Unit will be required. Any budget reallocations between funds equal to or greater than \$50,000.00 will require the approval of the ~~Unit's governing body~~.

Section 11. INVESTMENT POLICY. Temporary and idle funds which are undesignated may be invested in any legal manner authorized by the Public Funds Investment Act and authorized by the Corporation's approved Investment Policy. The Corporation's Investment Policy must be reviewed and approved annually by the ~~Board of Directors~~.

Section 12. EXECUTIVE DIRECTOR AND SALARY: The Executive Director Position shall be posted, or may be sought

through an executive search firm, as may be decided by a vote of the Board of Directors. It is desired that the Executive Director shall be a graduate of the Economic Development Institute or complete such course within two years of employment. The salary and benefits of the Executive Director shall be decided upon and approved by the Board and the Unit. Immediate succession in the event of retirement, resignation, disability or absence of the Executive Director will fall to the Assistant Director of the EDC on a temporary basis until a decision is made as to whether that move is final, as decided by a vote of the Board of Directors, or the Board desires to seek assistance through an executive search firm.

Section 13. ASSISTANT EXECUTIVE DIRECTOR AND SALARY: The Assistant Executive Director position shall be posted, or may be sought through an executive search firm, as may be decided by a vote of the Board. It is desired that the Assistant Executive Director shall be a graduate of the Economic Development Institute or complete such a course within two years of employment. The salary and benefits of the Assistant Executive Director shall be decided upon and approved by the Board and the Unit. In the absence, disability, retirement, or resignation of the Executive Director, the Assistant Executive Director shall perform the duties and exercise the powers of the Executive Director on an interim basis until an Executive Director is appointed as set out in Section 12 hereinabove.

ARTICLE VI

Section 1. NOTICES: Whenever under the provisions of the statutes or these Bylaws, notice is required to be given to any Director, it shall not be construed to mean personal notice, but such notice may be given in writing, by regular mail or electronic mail addressed to such Director at such address as appears on the books of the Corporation and such notice shall be deemed to be given at the time when the same shall be thus mailed.

Whenever any notice is required to be given under the provisions of the statutes or of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

ARTICLE VII

Section 1. OFFICES: The principal office of the Copperas Cove Economic Development Corporation (the "Corporation") shall be at 207 S 3rd Street, Suite 200, Copperas Cove, Texas 76522. The offices may move to another location in the City provided the Unit is notified and the location is open to the public. These by-laws will remain the same except for the new office location which will be amended.

ARTICLE VIII

Section 1. AMENDMENTS: These Bylaws are not in force until approved by the Unit. These Bylaws may not be altered, changed, or amended in any manner without review and approval by the Unit. Amendments must be completed in accordance with the Texas Local Government Code Section 501.064(c)(2) and shall be reviewed by the Committee a minimum of every two (2) years.

PASSED, APPROVED AND ADOPTED this 26th day of October 2022 at a meeting of the Economic Development Corporation of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meeting Act, Texas, and Gov't Code 551.001, et. seq, at which meeting a quorum was present and voting.

**COPPERAS COVE
ECONOMIC DEVELOPMENT CORPORATION**

J C STUBBS, Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:

The Knight Law Firm, LLP
Copperas Cove Economic Development Corporation Attorney

APPROVED BY THE UNIT ON THIS _____ DAY OF _____, 20232 at a meeting held in compliance with the Open Meetings Act (Texas Government Code, Article 551.001 et seq), at which meeting a quorum was present and voting.

CITY OF COPPERAS COVE, TEXAS

Dan Yancey

ATTEST:

Lisa Wilson, City Secretary

APPROVED TO AS FORM:

Denton, Navarro, Rocha Bernal, & Zech, P.C., City Attorney



Amended by CCEDC Board 2/19/2016 Approved by City Council 3/1/2016 Adopted by CCEDC Board 3/24/2016

Amended by CCEDC Board 10/18/2016 Approved by City Council 11/1/16

Amended by CCEDC Board 2/23/17 Approved by City Council 3/7 /17

Amended by CCEDC Board 1/24/18

Amended by the CCEDC Board 10/4/2018

Amended/Approved by the CCEDC Board 09/25/2019

Amended/Approved by the CCEDC Board 10-23-2019 Approved by City Council 11/5/2019

Amended/Approved by CCEDC BOD 10-25-2022 Approved by City Council 11/15/2022 *

Economic Development Corporation

H.4.

Meeting Date: March 30, 2023

Contact: Fed Welch, Executive Director, CCEDC.

Subject:

Consideration and action on approving the revisions made to the Copperas Cove Economic Development Corporation Bylaws. **Fred Welch, Executive Director, Copperas Cove EDC.**

Description/Information:

The Copperas Cove Economic Development Corporation (CCEDC) is required to have the Board of Directors review and amend the CCEDC Bylaws at a minimum of every two years according to the Texas Local Government Code Section 501.064(a).

On September 28, 2022, Executive Director Fred Welch discussed the revisions made to the CCEDC Bylaws. No action was taken.

On October 25, 2022, the Board of Directors approved the revisions made to the CCEDC Bylaws.

Once the Board has approved the revised Bylaws, they will then need to be taken to City Council for approval.

On November 15, 2022, the CCEDC Bylaws were presented to City Council for approval. CCEDC Bylaws were approved by the City Attorney and returned to the Board of Directors for revisions. CCEDC Board Attorney and City Attorney have approved the attached document.

Financial Impact:

None

Action/Recommendation:

EDC staff recommends the Board of Directors approve the revised CCEDC Bylaws.

Attachments:

CCEDC Bylaws

Economic Development Corporation

I.1

Meeting Date: March 30, 2023

Contact: Diane Drussell, Assistant Director, Copperas Cove EDC

UPDATE

1. Update on EDC Activities. **Diane Drussell, Assistant Director, Copperas Cove EDC**
-

Economic Development Corporation

I.2

Meeting Date: March 30, 2023

Contact: Fred Welch, Executive Director, Copperas Cove EDC.

UPDATE

- 2. Executive Director Report. Fred Welch, Executive Director, Copperas Cove EDC.**
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