

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session Meeting on Tuesday February 21, 2023 at 5:00 p.m. with Mayor Pro Tem Jane Huffman presiding. Council Members present were Missi Elliston, Larry Land, Jay May, Jeffrey Sutton and Jane Huffman. City staff present were City Manager Erin Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Acting Police Chief Randy Batten, and City Secretary Tina Keys. Also in attendance was James Griffin and Tony Groves. Council Member Elliston arrived after a quorum was certified.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Pro Tem Huffman called the meeting to order at 5:00 p.m. Council quorum was certified.

2. DISCUSSION REGARDING

- A. Assurance statements required when applying for federal funding and review of current obligations tied to federal funds.

Erin Corbell said we're here to discuss concerns that have been voice about assurances in grants that we are receiving and have received. The verbiage about executive orders are very common for anything receiving federal funding. Erin gave council a sheet showing current projects that have funds associated with federal funds. Corbell said council has passed ordinances and resolutions saying we will adhere to agreements with TWDB which includes having an active SAM registration, or we risk having to pay back and forfeit those monies. Erin asked council to review an email that staff received from Bickerstaff. Council Member Huffman asked who, exactly, the email came from. Erin said Gregory Miller with our bond council. Erin also referenced an email from Mac Bruce with GrantWorks. Council Member Huffman asked if the verbiage is on SAM.gov. Erin said yes. Council Member Huffman asked where, on the registration it is. Erin said you have to go through several steps. Council Member Huffman said the language is concerning so how do we differentiate; COVID money is riskier than these other funds. How can we justify and feel at peace with verbiage since it's not covid specific money. Council Member Huffman said two attorneys doesn't make her feel better. A contract spells out strings that are attached. Council Member Huffman asked how can we work around that verbiage and said these lawyers are not going to show up to defend us. Council Member Huffman said she is concerned that the city is put in a position that if we agree to this, then we have to force our citizens to do whatever. Council Member Huffman asked what is the City and City Staff and council becoming liable for and what kind of restraints are we putting on our citizens. Council Member Sutton asked how many cities have accepted the money that they've come back on. Council Member Huffman said we haven't had any executive orders yet. Council Member Sutton asked how many other cities have had them come back on them for accepting the money. City Attorney Sharon Hicks said none of the cities have had any executive orders they have not wanted to comply with. All that took the money are satisfied and nothing has come down. Historically executive orders are not used the same as laws and rules. If a city feels like executive orders are too far reaching, we have courts we can fall back on. We can contest it at that point. Sharon said accepting covid money that is new money is different than completing projects that we've already taken funds for. The recommendation is we continue to fulfill the obligations and if something does come up, fight that battle then. Hicks said thinks the new covid money is a different scenario. Council Member Huffman said she wants to make sure we know exactly what we're getting into on the SAM.gov registration. She said she's not saying we're not doing it, she just wants the answers to the question. What we're doing affects every citizen in the community when everything goes to heck. Council Member Land said executive orders have been going on since George Washington. The political landscape has changed. Council Member Land said our water project has been going on forever and that statement has probably been there forever. Council Member Huffman said there was some

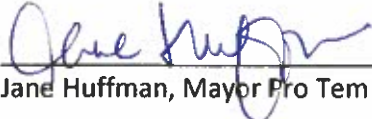
pretty extreme things that tried to go on right in our community during covid. That's why she's being cautious. Council Member Land asked Council Member Huffman what she was referring to. Council Member Huffman said such as take over a hotel and isolate people. Council Member Land said nobody is going to support anything like that. Council Member Huffman said she heard the other day about a new round of funds. Council Member Sutton said the governor said covid is over in Texas. Council Member Elliston asked if we chose not to register with SAM.gov, we would have to pay back the funds we've received? Sharon Hicks said possibly, yes. Council Member Elliston said if they are going to force us to do something, they are going to force us. There won't be anything we can do. Council Member Huffman said multiple people keep saying there are not strings attached. She said that is what a contract is, spelling out the strings attached. Council Member said there is no strings attached has been said several times. Sharon Hicks said when you do a contract, each party has rights and responsibilities. No strings attached is not a contract term. When you have a contract, you have the right to receive the money and responsibility to comply with the terms. Council Member Huffman said anything in the contract is part of the agreement. Sharon agreed and said you have to accept the responsibilities to go with the benefit of what you are receiving. These other funds, you've already agreed to the terms. The new covid funds, you're not tied to. Sharon said we're talking about "what if's". If they came down with criteria to comply with, you would have to make the decision to see if that is something you can live with. You decide if you will tell your citizens you are infringing on their civil liberties, but cities will not be doing that. The State will be doing that. Council Member Land said the City of Brady needs lots of infrastructure; there's lots of money out there. He doesn't see anything like that happening. Council Member May said he doesn't think it will happen either, but he has seen things in the last few years that he didn't think he would ever see. Sharon said we have to register since we have already taken the funds. Erin said the deadline was January 31st. Erin said she told Lisa to register because we didn't have any choice. Council Member Huffman said she asked at the last meeting if we had registered. Lisa McElrath said she didn't comment because Erin wasn't here. Council Member Elliston requested Council go into executive session.

Sharon Hicks said she would like Council to go into Executive Session under 551.071 Consultation with Attorney

Council adjourned regular session at 5:31. And went into Executive Session. Executive Session was adjourned at 5:55 and regular Session resumed.

3. ADJOURNMENT

There being no further business, Mayor Pro Tem Huffman adjourned the meeting at 5:55 p.m.


Jane Huffman, Mayor Pro Tem

Attest: 
Tina Keys, City Secretary