Regular Meeting of the:

Pampa City Commission
February 14, 2022
4:00 p.m.

City of Pampa
201 W. Kingsmill
P.O. Box 2499
Pampa, Texas 79066-2499
Phone: 806-669-5750
Fax: 806-669-5767
CITY OF PAMPA
CITY COMMISSION AGENDA
REGULAR MEETING

Paul Searl, Commission Ward 1       Lance DeFever, Mayor       Shane Stokes, City Manager
Brian Doughty, Commissioner Ward 2       Barbara Stucker, City Secretary
Jimmy Keough, Commissioner Ward 3       Bryan J. Guymon, City Attorney
Bryan Fisher, Commissioner Ward 4

Notice is hereby given of a REGULAR MEETING of the City Commission of the City of Pampa, Texas to be held on MONDAY, FEBRUARY 14, 2022, AT 4:00 P.M., CITY HALL - CITY COMMISSION CHAMBER, 3rd FLOOR, 201 W. KINGSMILL, PAMPA, TEXAS, for the purpose of considering the following agenda items.

All agenda items are subject to action. The City Commission reserves the right to adjourn into Executive Session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

City Commission meetings are broadcast on YouTube. YouTube does provide closed captioning on the recorded video; it is not provided in real time. Live stream our meetings on www.cityofpampa.org, by clicking the Live Stream Channel link.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE TO TEXAS FLAG

PUBLIC COMMENTS:
Citizens who have signed a card to speak to the City Commission will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the Agenda, Commission Members and City Staff are prevented from discussing the subject and may respond only with statements of factual information or existing City policy. Citizens are limited to three (3) minutes for their presentation to the City Commission.

PRESENTATION:

City Hall Trees – Dennis Palmitier, Arborist

AUTHORIZATIONS BY CITY COMMISSION:

1. Consider approving the minutes of the January 24, 2022, Regular Commission Meeting.
2. Consider adopting Resolution R22-004, a Resolution by the City Commission continuing Executive Order GA-34 and extending to March 14, 2022, the City of Pampa’s Declaration of Local Disaster Order.

3. Consider approving the Texas Subdivision and Special District Election and Release Form regarding the Endo/Par Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

4. Consider approving the Texas Subdivision and Special District Election and Release Form regarding the TEVA Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

5. Consider adopting Resolution No. R22-005, a Resolution by the City Commission approving the Bylaws of the Tax Reinvestment Zone #1 - Downtown Pampa (TIRZ 1) Board.

6. EXECUTIVE SESSION: The City Commission will convene into closed session in accordance with Texas Government Code, Subchapter D, Section 551.074 – Personnel Matters to discuss:
   
   • City Manager’s Annual Evaluation

   RECONVENE: The City Commission will reconvene into open session to act, if necessary, regarding matters discussed in Executive Session.

ADJOURN

CERTIFICATION

I Certify that the above Agenda was posted on the outside officially designated bulletin board in front of City Hall, facing Kingsmill Street, a place convenient and readily accessible to the public at all times and said Agenda was posted on FRIDAY, FEBRUARY 11, 2022, BEFORE 4:00 P.M. and remained so posted continuously for 72 hours proceeding the scheduled time of said meeting.

Barbara Stucker, City Secretary
ACCESSIBILITY STATEMENT
In compliance with the Americans with Disabilities Act, the City of Pampa will provide for reasonable accommodations for persons attending City Commission meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Barbara Stucker, City Secretary, at (306) 669-5750. City Hall is wheelchair accessible. Entry is on the West side of the building.

AGENDA REMOVAL NOTICE
This public notice was removed from the official designated bulletin board at 201 W. Kingsmill Street, Pampa, TX, City Hall on the following date and time:

Date: ___________________________    Time: ___________________________

By: ________________________________________________
AGENDA ITEM: 1

ITEM/PROJECT: Minutes

MEETING DATE: February 14, 2022

DESCRIPTION: Consider approving the minutes of the January 24, 2022, Regular Commission Meeting.

STAFF CONTACT: Barbara Stucker, City Secretary

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Minutes take effect after Commission approves.

RECOMMENDED ACTION: Staff recommends Commission approve the minutes of the January 24, 2022, Regular Commission Meeting, as presented.

RECOMMENDED MOTION: I make a motion to approve the minutes of the January 24, 2022, Regular Commission Meeting, as presented.

BACKGROUND/ADDITIONAL INFORMATION: Copy of minutes of the January 24, 2022, meeting attached.
MINUTES OF THE  
CITY COMMISSION OF THE CITY OF PAMPA, TEXAS  
REGULAR MEETING  
MONDAY, JANUARY 24, 2022

CALL TO ORDER: Mayor Lance DeFever at 4:00 p.m.

PRESENT: Lance DeFever Mayor  
Paul Searl Commissioner  
Brian Doughty Commissioner  
Jimmy Keough Commissioner  
Bryan Fisher Commissioner

ABSENT: None

STAFF: Shane Stokes City Manager  
Bryan Guymon City Attorney  
Barbara Stucker City Secretary  
Theresa Daniels Finance Director  
Lance Richburg Chief of Police  
Gary Turley Director Public Works  
Dustin Miller Community Services Director  
Cary Rushing Building Official  
Kirk Reed Code Enforcement Officer  
Jeff Kennedy Code Enforcement Officer  
Dan Ogle Code Enforcement Officer  
Kenneth Hopson Asst. Chief of Police  
Brian Massey Lieutenant  
Rick Armstrong Lieutenant  
Debbie McDonald Dispatch Supervisor

VISITORS: Peggy C. Miller David Robinson  
Byron Williamson Mark McLiney  
Lisa Fisher Ann Franklin  
Phillis Garner Dale Garner

NEWS MEDIA: John Lee Pampa News

INVOCATION: Byron Williamson, Commission Chaplain

PUBLIC COMMENTS: Peggy C. Miller  
1029 S. Banks St.  
Concerns about squatters, drug use and run down home in neighborhood.

David Robinson  
1040 S. Banks St.  
Concerns about squatters, drug use and run down home in neighborhood.

PRESENTATION:
• Code Enforcement Survey – Gary Turley, Public Works Director  
  Kirk Reed, Code Enforcement Officer

REPORT:
• 2021 Annual Police Report – Lance Richburg, Chief of Police

AUTHORIZATIONS BY CITY COMMISSION:

22-007

1. Consider approving the minutes of the January 10, 2022, Regular Commission Meeting as presented.
A motion was made by Commissioner Doughty and seconded by Commissioner Searl to approve the minutes of the January 10, 2022, Regular Commission Meeting as presented. With each Commission Member voting AYE, the motion carried.

22-008

2. Consider and approve Ordinance No.1762, an Ordinance by the City Commission of the City of Pampa, Texas authorizing the issuance of “City of Pampa, Texas General Obligation Refunding Bonds, Series 2022”, levying an annual ad valorem tax within the limitations prescribed by law, for the payment of the bonds; authorizing the execution of any necessary engagement agreement with the City’s Financial Advisor; and providing an effective date.

ORDINANCE NO. 1762

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS AUTHORIZING THE ISSUANCE OF “CITY OF PAMPA, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2022”, LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE AND INVESTMENT LETTER, AND AN ESCROW DEPOSIT LETTER; COMPLYING WITH THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENT WITH THE CITY’S FINANCIAL ADVISOR; AND PROVIDING AN EFFECTIVE DATE

A motion was made by Commissioner Searl and seconded by Commissioner Keough to approve Ordinance No.1762, an Ordinance by the City Commission of the City of Pampa, Texas authorizing the issuance of “City of Pampa, Texas General Obligation Refunding Bonds, Series 2022”. With each Commission Member voting AYE, the motion carried.

22-009

3. Consider adopting Resolution No. R22-002, a Resolution by the City Commission continuing Executive Order GA-34 and extending to February 14, 2022, the City of Pampa Declaration of Local Disaster Order.

RESOLUTION NO. R22-002

CITY OF PAMPA, TEXAS
EXTENSION OF DECLARATION OF LOCAL DISASTER

A motion was made by Commissioner Keough and seconded by Commissioner Doughty to adopt Resolution No. R22-002, a Resolution by the City Commission continuing Executive Order GA-34 and extending to February 14, 2022, the City of Pampa’s Declaration of Local Disaster Order. With each Commission Member voting AYE, the motion carried.

22-010


A motion was made by Commissioner Doughty and seconded by Commissioner Keough to approve the List of Disbursements dated December 2021 with the total disbursements being $1,811,007.49 and the amount after balance sheet and income accounts is $954,233.58. With each Commission Member voting AYE, the motion carried.

22-011
5. Consider awarding bid to Sandra L. Martinez in the amount of $1,500.00 for delinquent tax property located at Lot 12, Block 2, Prairie Village Addition, commonly known as 1041 Varnon.

A motion was made by Commissioner Fisher and seconded by Commissioner Searl to award bid to Sandra L. Martinez in the amount of $1,500.00 for delinquent tax property located at Lot 12, Block 2, Prairie Village Addition, commonly known as 1041 Varnon. With each Commission Member voting AYE, the motion carried.

6. EXECUTIVE SESSION: The City Commission convened into closed session at 5:04 p.m. in accordance with Texas Government Code, Subchapter D, Section 551.074 – Personnel Matters to discuss:
   - Board Appointments

RECONVENE: The City Commission reconvened into open session at 5:18 p.m. with the following action taken:

   22-012

7. Consider adopting Resolution No. R22-003, a Resolution by the City Commission appointing the members of the Board of Directors of Tax Increment Reinvestments Zone #1 – Downtown Pampa (TIRZ 1); appointing one member of the Board to serve as Chairperson for the current year; and providing for other matters relating to such Board.

   RESOLUTION NO. R22-003

   A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS APPOINTING THE MEMBERS OF THE BOARD OF DIRECTORS OF TAX INCREMENT REINVESTMENT ZONE #1 – DOWNTOWN PAMPA (TIRZ 1); APPOINTING ONE MEMBER OF THE BOARD TO SERVE AS CHAIRPERSON FOR THE CURRENT YEAR; AND PROVIDING FOR OTHER MATTERS RELATING TO SUCH BOARD.

A motion was made by Commissioner Doughty and seconded by Commissioner Searl to adopt Resolution No. R22-003; a Resolution of the City Commission appointing the members of the Board of Directors of Tax Increment Reinvestment Zone #1 – Downtown Pampa (TIRZ 1); appointing one member of the Board to serve as the Chairperson for the current year; and providing for other matters relating to such Board. With each Commission Member voting AYE, the motion carried.

ADJOURNED:

There being no further business on the agenda, the meeting was adjourned at 5:19 p.m. by Mayor Lance DeFever.

_________________________________________  _______________________________________
Barbara Stucker, City Secretary          Lance DeFever, Mayor
<table>
<thead>
<tr>
<th>ITEM/PROJECT:</th>
<th>RESOLUTION NO. R22-004 – EXTENDING PAMPA’S DECLARATION OF LOCAL DISASTER ORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEETING DATE:</td>
<td>February 14, 2022</td>
</tr>
<tr>
<td>DESCRIPTION</td>
<td>Consider adopting Resolution No. R22-004, a Resolution by the City Commission continuing Executive Order GA-34 and extending to March 14, 2022, the City of Pampa’s Declaration of Local Disaster Order.</td>
</tr>
</tbody>
</table>
| STAFF CONTACT: | Shane Stokes, City Manager  
Bryan Guymon, City Attorney |
| FINANCIAL IMPACT: | N/A |
| SOURCE OF FUNDS: | N/A |
| START/COMPLETION SCHEDULE: | Resolution R22-004 will take effect after Commission adopts. |
| RECOMMENDED ACTION: | Staff recommends Commission adopt Resolution No. R22-004, continuing Executive Order GA-34 and extending the City’s Declaration of Local Disaster to March 14, 2022. |
| RECOMMENDED MOTION: | I make a motion to adopt Resolution No. R22-004, extending the City’s Declaration of Local Disaster Order until March 14, 2022. |
| BACKGROUND/ADDITIONAL INFORMATION: | Copy of Resolution No. R22-004 attached. |
RESOLUTION NO. R22-004

CITY OF PAMPA, TEXAS
EXTENSION OF DECLARATION OF LOCAL DISASTER

WHEREAS, COVID-19 continues to spread and to pose an increasing, imminent threat of disaster throughout the City of Pampa and beyond; and

WHEREAS, on March 17, 2020, the Mayor of the City of Pampa, Brad Pingel, declared a local state of disaster for public health emergency pursuant to Section 418.108(a) of the Texas Government Code, based upon the need for extraordinary measures to contain COVID-19 and to prevent its spread throughout the City of Pampa with such declaration being extended by Resolutions of the City Commission of the City of Pampa; and

WHEREAS, the Governor of the State of Texas has stated that while there has been a steady decline in hospitalizations and the rate of new COVID-19 cases due to the millions of Texans who have voluntarily been vaccinated, including many within the City of Pampa, the natural immunity of many within the community, improved medical treatments for COVID-19 patients, abundant supplies of testing and personal protective equipment, and Texans’ adherence to safe practices like social distancing, hand sanitizing, and use of face coverings, there still is a danger related to COVID-19 and the Delta variant; and

WHEREAS, on December 23, 2021, the Governor of the State of Texas renewed his state-wide disaster proclamation for an additional thirty (30) days, certifying that COVID-19 poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, Trauma Service Area A, which includes Gray County, has seen significant increases in COVID-19 cases and hospitalizations over the past several months; and

WHEREAS, on July 29, 2021, the Governor of the State of Texas issued Executive Order GA-38 further clarifying that no local governmental entity, including municipalities, can mandate anyone to wear a face covering or obtain the COVID-19 vaccine; and

WHEREAS, in areas where the COVID-19 transmission rate is high, individuals are encouraged to follow safe practices such as wearing face coverings over the nose and mouth when social distancing is impossible or impractical; and

WHEREAS, the Declaration of Local Disaster extended in the latest Resolution of the City Commission is set to expire at 11:59 p.m. on February 14, 2022; and

WHEREAS, the City of Pampa, in an effort to continue to combat the spread of COVID-19 and to continue to support the improvement of local economic conditions while still maintaining the ability to protect against COVID-19 and pursuant to Texas Government Code §418.108, the City Commission believes it to be in the best interest of the City and its citizens, in order to protect and preserve the public health, safety and welfare, to continue the extension of the Declaration of Local Disaster, and adopt the measures outlined herein;

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS, THAT:

SECTION 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.
SECTION 2. All terms and conditions of Governor’s Executive Order GA-34 and Executive Order GA-38 are hereby adopted and the Mayoral Declaration of Local Disaster initially signed and executed by the Mayor on March 17, 2020 and extended by the City Commission is renewed and extended to the extent it does not directly conflict with this resolution.

SECTION 3. Pursuant to §418.108(c) of the Texas Government Code, this Resolution shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Pampa.

SECTION 4. Outdoor gatherings, to the extent they do not violate Executive Order GA-34 or GA-38 and are otherwise in compliance with applicable law are permitted. In areas where the COVID-19 transmission rate is high, the City continues to encourage individuals to follow safe practices such as using hand sanitizer, wearing face coverings over the nose and mouth when social distancing is impossible or impractical.

SECTION 5. This Resolution shall go into effect immediately upon approval and continue until 11:59 p.m., Monday, March 14, 2022, unless renewed, extended, amended or cancelled by the Mayor or City Commission of the City of Pampa.

SECTION 6. This resolution and order, pursuant to applicable provisions of Texas Government Code Chapter 418 and Texas Health and Safety Code § 122.006, authorizes the Mayor on behalf of the City of Pampa, to take any actions necessary to promote health and suppress the COVID-19 virus, including enforcing applicable orders issued by the Gray County Judge, the Governor of the State of Texas or the Texas Department of State Health Services related to suppressing the COVID-19 virus, and insuring compliance for those who do not comply with the City’s rules and directives.

SECTION 7. To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared local disaster and only for that limited purpose.

SECTION 8. That to the extent this Resolution or any order or directive issued pursuant to this Resolution, directly conflicts with any subsequent order issued by the Governor of the State of Texas applicable to municipalities, the Mayor may comport, clarify and amend any such order or directive to be consistent therewith without further action by the City Commission.

SECTION 9. That the Mayor is authorized to use all available resources of the City of Pampa reasonably necessary to comply with this resolution.

READ, APPROVED AND ADOPTED by the City Commission this the 14th day of February, 2022.

CITY OF PAMPA

By: ______________________________
    Lance DeFever, Mayor
ATTEST:

Barbara Stucker, City Secretary

APPROVED AS TO FORM:

Bryan J. Guymon, City Attorney
ITEM/PROJECT: Endo/Par Texas State-Wide Opioid Settlement

MEETING DATE: February 14, 2022

DESCRIPTION: Consider approving the Texas Subdivision and Special District Election and Release Form regarding the Endo/Par Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

STAFF CONTACT: Shane Stokes, City Manager
Bryan Guymon, City Attorney

FINANCIAL IMPACT: Information provided at meeting.

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Information provided at meeting.

RECOMMENDED ACTION: Staff recommends Commission approve the Texas Subdivision and Special District Election and Release Form regarding the Endo/Par Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

RECOMMENDED MOTION: I make a motion to approve the Texas Subdivision and Special District Election and Release Form regarding the Endo/Par Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

BACKGROUND/ADDITIONAL INFORMATION: Copy of Election and Release Form and information from the Attorney General’s Office.
Exhibit A

TEXAS SUBDIVISION AND SPECIAL DISTRICT
ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions\(^1\) resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

\(^1\) The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.
Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: ____________________

Texas Subdivision Name:  **City of Pampa**

By: ____________________

Shane Stokes
City Manager
City of Pampa
PO Box 2499
Pampa, TX 79066
(806)669-5750
sstokes@cityofpampa.org
TO LOCAL POLITICAL SUBDIVISIONS:
IMPORTANT INFORMATION ABOUT ENDO OPIOID SETTLEMENT.
SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE.
THE DEADLINE FOR PARTICIPATION MARCH 10, 2022.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

SETTLEMENT OVERVIEW

After years of negotiations, a proposed Texas settlement agreement (“Settlement”) has been reached that would resolve all opioid claims for Texas and its political subdivisions against pharmaceutical manufacturer Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Endo International plc, Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc. (“Endo”).

The proposed Settlement requires Endo to pay $63 million (the “Settlement Amount”) to Texas and its political subdivisions. Of the Settlement Amount, approximately $56 million is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis.

The Settlement also contain injunctive relief provisions governing the opioid marketing and sale practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

This letter is part of the formal notice required by the Settlement.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Texas settled with Endo, and your subdivision may participate in the Settlement. This notice is being sent directly to subdivisions who are not litigating against Endo. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlement.

Your subdivision may have already signed on to the Janssen/J&J and Distributor settlements and adopted the Texas Term Sheet. If so, do not disregard this notice. This Settlement is a
settlement with Endo. If you have already signed on to the Endo Settlement, you may disregard this notice.

WHERE CAN YOU FIND MORE INFORMATION?

This letter is intended to provide a brief overview of the Settlement. Detailed information about the Settlement may be found at the website set up by Office of the Attorney General of Texas: https://www.texasattorneygeneral.gov/globalopioidsettlement.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

You must go to the Texas Attorney General’s website to participate in the Settlements (if your subdivision is eligible). All required documentation must be executed and submitted to the email address: opioids@oag.texas.gov. As part of the sign on process, your subdivision will need to submit the Texas Subdivision and Special District Election and Release Form and your resolution adopting the Texas Term Sheet. If you previously submitted your resolution adopting the Texas Term Sheet, you do not need to do so again. Please also be sure to include in the Form the identity and email address of the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN TEXAS?

Allocation agreements/legislation and other information about the Texas allocation agreement or legislation can be found on the Texas Attorney General’s website.

To determine your eligibility to receive, directly or indirectly, any of the funds allocated to Texas should you elect to participate in the settlements, you should first visit https://www.texasattorneygeneral.gov/globalopioidsettlement and review Exhibit B of the Texas Term Sheet to determine if your subdivision is listed. Any questions concerning the status or terms of the Texas Term Sheet and allocations in Texas can be directed to the Texas Attorney General’s Office.

You may be contacted by the Texas Attorney General’s Office with additional information regarding the allocation of settlement funds in Texas. Subdivisions with representation can expect information from their attorneys. We encourage you to review all materials and to follow up with any questions. The terms of these settlements are complex and we want to be sure you have all the information you need to make your participation decision.

WHY YOU SHOULD PARTICIPATE

Texas and attorneys for Bexar, Dallas, Harris, and Tarrant counties have announced support of this settlement.

Subdivision participation is strongly encouraged, for the following reasons:
First, the amounts to be paid under the settlement, while insufficient to abate the epidemic fully, will contribute to allow Texas and its local governments to commence with meaningful change designed to curb opioid addiction, overdose and death, following on the Distributors and Johnson & Johnson/Janssen settlements from 2021;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country, and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities as soon as possible; and

Third, you know first-hand the effects of the opioid epidemic on your community. Funds from these settlements will be used to commence abatement of the crisis and provide relief to your citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry.

**NEXT STEPS**

This settlement requires that you take affirmative steps to ‘opt in’ to the settlement. If you do not act, you will not receive any settlement funds.

First, have your authorizing person(s) or body begin to review the materials on the website concerning the settlement agreement terms and the Texas Term Sheet. Develop a list of questions for your counsel or the Texas Attorney General’s Office. Your subdivision will need to begin the process of deciding whether to participate in the proposed settlement, and subdivisions are encouraged to work through this process well before the March 10, 2022, deadline to be an initial participating subdivision. Again, the Texas Attorney General’s Office, your counsel, and other contacts within the state are available to discuss the specifics of the settlements within your state and we encourage you to discuss the terms and benefits of the settlements with them.

Second, should you decide to proceed with participating, if your subdivision has not already done so, your subdivision will need to adopt the Texas Term Sheet and its intrastate allocation schedule. Your subdivision may have already adopted the Texas Term Sheet for the Distributors and Johnson & Johnson/Janssen settlements; if so, you do not need to readopt the Texas Term Sheet. A model resolution is available on the Texas Attorney General’s Office website.

Third, submit to opioids@oag.texas.gov: your signed Special District Election and Release Form and your resolution adopting the Texas Term Sheet (if not previously submitted). Continue monitoring your email for further communications.

We urge you to view the Texas Attorney General’s website at your earliest convenience. Information and documents regarding the settlement can be found on the settlement website at: [https://www.texasattorneygeneral.gov/globalopioidsettlement](https://www.texasattorneygeneral.gov/globalopioidsettlement).

Questions regarding the opioid settlements can be directed to: Stephanie Eberhardt (stephanie.eberhardt@oag.texas.gov) and opioids@oag.texas.gov.
AGENDA ITEM: 4

ITEM/PROJECT: TEVA TEXAS STATE-WIDE OPIOID SETTLEMENT

MEETING DATE: February 14, 2022

DESCRIPTION: Consider approving the Texas Subdivision and Special District Election and Release Form regarding the TEVA Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

STAFF CONTACT: Shane Stokes, City Manager
Bryan Guymon, City Attorney

FINANCIAL IMPACT: Information provided at Meeting

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Information provided at Meeting

RECOMMENDED ACTION: Staff recommends Commission approve the Texas Subdivision and Special District Election and Release Form regarding the TEVA Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

RECOMMENDED MOTION: I make a motion to approve the Texas Subdivision and Special District Election and Release Form regarding the TEVA Texas State-Wide Opioid Settlement Agreement and Settlement Term Sheet and authorize the City Manager to execute the Election and Release Form.

BACKGROUND/ADDITIONAL INFORMATION: Copy of Release Form and Attorney General Information attached.
Exhibit B

TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions\(^1\) resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

---

\(^1\) The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.
Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: ________________

Texas Subdivision Name: City of Pampa

By: _______________________
Shane Stokes
City Manager
City of Pampa
PO Box 2499
Pampa, TX 79066
(806) 669-5750
sstokes@cityofpampa.org
TO LOCAL POLITICAL SUBDIVISIONS:
IMPORTANT INFORMATION ABOUT TEVA OPIOID SETTLEMENT.
SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO PARTICIPATE.
THE DEADLINE FOR PARTICIPATION IS MARCH 10, 2022.

This letter is part of the formal notice required by the Settlement.

If your subdivision is represented by an attorney with respect to opioid claims, please immediately contact them.

Please note that this settlement is a NEW opioid settlement; your subdivision may have previously submitted documents for the Distributors, Janssen/J&J, and Endo settlements.

To participate in this Teva settlement, you will need to submit new documentation.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Texas settled with Teva, and your subdivision may participate in the Settlement. This notice is being sent directly to subdivisions who are not litigating against Teva. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlement.

Your subdivision may have already signed on to the Distributor, Janssen/J&J., and Endo settlements and adopted the Texas Term Sheet. If so, do not disregard this notice. This Settlement is a settlement with Teva. If you have already signed on to the Teva Settlement, you may disregard this notice.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

You must go to the Texas Attorney General’s website to participate in the Settlements (if your subdivision is eligible). All required documentation must be executed and submitted to the email address: opioids@oag.texas.gov. Your subdivision will need to submit the Texas Subdivision and Special District Election and Release Form. Please also be sure to include in the Form the identity and email address of the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

SETTLEMENT OVERVIEW

After years of negotiations, a proposed Texas settlement agreement (“Settlement”) has been reached that would resolve all opioid claims for Texas and its political subdivisions against
pharmaceutical manufacturer Teva Pharmaceutical Industries Ltd.; Teva Pharmaceuticals USA, Inc. (“Teva USA”); Cupric Holding Co., Inc.; Teva Pharmaceutical Holdings Cooperative U.A.; Teva Pharmaceuticals Europe B.V.; Cephalon, Inc.; Watson Laboratories, Inc.; Actavis LLC; Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.; Warner Chilcott Co., LLC; Actavis South Atlantic LLC; Actavis Elizabeth LLC; Actavis Mid Atlantic LLC; Actavis Totowa LLC; Actavis Kadian LLC; Actavis Laboratories UT, Inc. f/k/a Watson Laboratories Inc.-Salt Lake City; Actavis Laboratories FL, Inc. f/k/a Watson Laboratories, Inc.-Florida; and Anda, Inc. (“Teva”).

The proposed Settlement requires Teva to pay $225 million (the “Settlement Amount”) to Texas and its political subdivisions. Of the Settlement Amount, $150 million is to be a direct monetary payment, of which approximately $131.5 million is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. As part of the settlement, Teva will also provide $75 million worth of generic Narcan to the State of Texas for use by local law enforcement and medical personnel to provide lifesaving intervention for opioid overdoses.

The Settlement also contain injunctive relief provisions governing the opioid marketing and sale practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

WHERE CAN YOU FIND MORE INFORMATION?

This letter is intended to provide a brief overview of the Settlement. Detailed information about the Settlement may be found at the website set up by Office of the Attorney General of Texas: https://www.texasattorneygeneral.gov/globalopioidsettlement.

WHY YOU SHOULD PARTICIPATE

Texas and attorneys for Bexar, Dallas, Harris, and Tarrant counties have announced support of this settlement.

Subdivision participation is strongly encouraged, for the following reasons:

First, the amounts to be paid under the settlement, while insufficient to abate the epidemic fully, will contribute to allowing Texas and its local governments to commence with meaningful change designed to curb opioid addiction, overdose, and death, following on the Distributors and Johnson & Johnson/Janssen settlements from 2021;

Second, time is of the essence. The opioid epidemic continues to devastate communities around the country, and it is critical that the funds begin to flow to allow governments to address the epidemic in their communities as soon as possible; and

Third, you know first-hand the effects of the opioid epidemic on your community. Funds from these settlements will be used to commence abatement of the crisis and provide relief to your
citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry.

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN TEXAS?

The Texas Term Sheet, which sets the allocation between subdivisions and the State, can be found on the Texas Attorney General’s website. Any questions concerning the status or terms of the Texas Term Sheet and allocations in Texas can be directed to the Texas Attorney General’s Office.

You may be contacted by the Texas Attorney General’s Office with additional information regarding the allocation of settlement funds in Texas. Subdivisions with representation can expect information from their attorneys. We encourage you to review all materials and to follow up with any questions. The terms of these settlements are complex, and we want to be sure you have all the information you need to make your participation decision.

NEXT STEPS

This settlement requires that you take affirmative steps to ‘opt in’ to the settlement. If you do not act, you will not receive any settlement funds.

First, have your authorizing person(s) or body begin to review the materials on the website concerning the settlement agreement terms and the Texas Term Sheet. Develop a list of questions for your counsel or the Texas Attorney General’s Office. Your subdivision will need to begin the process of deciding whether to participate in the proposed settlement, and subdivisions are encouraged to work through this process well before the March 10, 2022, deadline. Again, the Texas Attorney General’s Office, your counsel, and other contacts within the state are available to discuss the specifics of the settlements within your state and we encourage you to discuss the terms and benefits of the settlements with them.

Second, should you decide to proceed with participating, your subdivision will need to submit your signed Subdivision and Special District Election and Release Form to opioids@oag.texas.gov.

NOTE: if your subdivision has not already done so, your subdivision will need to adopt the Texas Term Sheet and its intrastate allocation schedule. If your subdivision has previously signed on to the Distributors, J&J/Janssen, and/or Endo settlements, you will have already adopted the Texas Term Sheet. There is no need to readopt the Texas Term Sheet. If you have NOT adopted the Texas Term Sheet, please contact opioids@oag.texas.gov.

We urge you to view the Texas Attorney General’s website at your earliest convenience. Information and documents regarding the settlement can be found on the settlement website at: https://www.texasattorneygeneral.gov/globalopiodsettlement
FREQUENTLY ASKED QUESTIONS

1. My subdivision already signed up for opioid settlements, is that good enough for this settlement?
   No, you will need to submit the **Teva Subdivision and Special District Election and Release Form** specifically for this settlement; opting in to the other settlements does not sign you up for this one.

2. Does my subdivision need to pass a resolution to sign up for this settlement?
   This depends on the specifics of what your county or city is required to do to release legal claims. If your city manager, for example, is authorized to generally enter into opioid settlements, you may not need a resolution. Consult your legal counsel for advice.
   
   If your subdivision has already adopted the Texas Term Sheet to sign on to a previous opioid settlement, you do NOT need to adopt an additional resolution.

3. When will my subdivision receive funds from this settlement and/or the other settlements?
   Funds for the Distributors, J&J/Janssen, Endo, and now Teva settlement are still on track to being paid out in March or April of this year. We will provide updates when we have more information.

4. How much will my subdivision receive from the Teva Settlement?
   If you have questions about your subdivision’s individual allocation amount, please contact Stephanie Eberhardt (stephanie.eberhardt@oag.texas.gov), Caroline Griggs (caroline.griggs@oag.texas.gov), or opioids@oag.texas.gov.
# AGENDA ITEM: 5

**ITEM/PROJECT:** RESOLUTION NO. R22-005 – APPROVING BYLAWS OF THE DOWNTOWN TIRZ 1 BOARD

**MEETING DATE:** February 14, 2022

**DESCRIPTION**
Consider adopting Resolution No. R22-005, a Resolution by the City Commission approving the Bylaws of the Tax Reinvestment Zone #1 - Downtown Pampa (TIRZ 1) Board.

**STAFF CONTACT:** Dustin Miller, Staff Liaison for TIRZ 1 Board  
Shane Stokes, City Manager

**FINANCIAL IMPACT:** N/A

**SOURCE OF FUNDS:** N/A

**START/COMPLETION SCHEDULE:** Resolution will take effect after approval of the Commission.

**RECOMMENDED ACTION:** Staff recommends Commission adopt Resolution No. R22-005, approving the Bylaws of the Downtown TIRZ 1 Board.

**RECOMMENDED MOTION:** I make a motion to adopt Resolution No. R22-005, a Resolution by the City Commission approving the Bylaws of the Tax Reinvestment Zone #1 – Downtown Pampa (TIRZ 1) Board.

**BACKGROUND/ADDITIONAL INFORMATION:** Copy of Resolution and Bylaws attached.
RESOLUTION NO. R22-005

WHEREAS, on December 13, 2021, the City Commission of the City of Pampa, Texas adopted Ordinance No. 1759 (the “Ordinance”), which created Tax Increment Reinvestment Zone #1 – Downtown Pampa (the “TIRZ 1”) and established a Board of Directors for the Zone (the “Board”) as authorized in accordance with the Tax Increment Financing Act (the “Act”), Chapter 311 of the Texas Tax Code Ann.; and

WHEREAS, on February 10, 2022, the Board met and approved bylaws applicable to the Board (the “Bylaws”) to assist the Board in efficiently and effectively carrying out the duties and responsibilities of the Board as outlined in the Ordinance; and

WHEREAS, the Board believes it to be in the best interest of the City of Pampa for the City Commission of the City of Pampa to approve such Bylaws which are attached hereto and incorporated herein as though set forth fully herein, and recommends their passage;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS:

1. THAT the facts, findings, and recitals outlined above are found to be true and correct and incorporated into the body of this ordinance as though set forth fully herein.

2. THAT the City Commission hereby approves and adopts the Bylaws as attached hereto and as recommended by the Board.

3. THAT in the event it is determined that the Bylaws should be amended, any amendment must first be approved by the City Commission of the City of Pampa before such amendment becomes effective.

INTRODUCED, READ and APPROVED on this the 14th day of February, 2022.

CITY OF PAMPA, TEXAS

By: ________________________________

Lance DeFever, Mayor

ATTEST:

___________________________________
Barbara Stucker, City Secretary

APPROVED AS TO FORM:

___________________________________
Bryan J. Guymon, City Attorney
The Tax Increment Reinvestment Zone #1 – Downtown Pampa Board of Directors (hereinafter referred to as “TIRZ Board” or “Board”) hereby adopts these Bylaws to govern their proceedings and carry out the purpose for which the TIRZ was created, not inconsistent with the Charter and Ordinances of the City. These Bylaws shall serve a function supplementary to the regulations governing the TIRZ Board within the City’s Code of Ordinances, as may be amended by City Commission, and any current or future City of Pampa Ordinances relating to the creation, regulation, and administration of the TIRZ.

ARTICLE I
PURPOSE

Section 1. Financing Development or Redevelopment in the Zone

In order to implement the purposes for which Tax Increment Reinvestment Zone #1 – Downtown Pampa, Texas (the “Zone” or “TIRZ 1”) was created, as set forth in Ordinance No. 1759, dated the 13th day of December, 2021, the City of Pampa, Texas (the “City”) may issue obligations to finance all or part of the cost of implementing the Project and Financing Plan for the Zone as defined in the Tax Increment Financing Act of the Tax Code, Chapter 311, Vernon’s Texas Codes Annotated (the “Act”).

ARTICLE II
BOARD OF DIRECTORS

Section 1. Membership

The members of the TIRZ Board shall be those members appointed by Resolution No. R22-003, as adopted by City Commission and as may be amended. TIRZ Board members shall be at least eighteen (18) years of age and a resident of Gray County or a county adjacent, or own real property within the TIRZ whether or not the individual resides in Gray County or a county adjacent.

Section 2. Powers, Number and Term of Office

The property and affairs of the Zone shall be managed and controlled by City Commission based on the recommendations of the TIRZ Board, subject to the restrictions imposed by law, the Ordinance creating the Zone, and these Bylaws. The TIRZ Board has no authority, under
any circumstance, to unilaterally issue bonds, impose taxes or fees, exercise the power of eminent domain, or give final approval to project plans. See V.T.C.A, Tax Code § 311.010.

It is the intention of the City Commission that the TIRZ Board shall function in an advisory capacity with respect to the Zone and shall exercise only those powers which are granted to the Board pursuant to the Act, notwithstanding the limited power delegated to the Board by the Ordinance creating the Zone, to administer economic development programs for public purpose. The Board may enter into development agreements considered necessary or convenient to implement the Final Project and Financing plan and to achieve the Board’s general purposes with respect to the TIRZ.

The Board shall consist of seven (7) members appointed by resolution of the City Commission. Of the Board members, Commission shall appoint five (5) members. Gray County may, but is not required to, appoint two (2) members. Commission shall appoint members as is necessary to fill the remaining positions, if Gray County does not appoint their allotment. All members appointed to the Board shall meet the eligibility requirements as set forth in Section 311.009 of the Texas Tax Code. Such members may be members of the City Commission.

The first Board of Directors shall serve for an initial term ending January 24, 2024, or until his or her successor is appointed. Subsequent directors shall be appointed by the governing body of the respective taxing unit which made such initial Board appointment and shall serve for two (2) year terms beginning January 25, 2024 or until their successors are appointed.

It is understood by the members of the Board that all members of the Board serve at the pleasure of the taxing unit responsible for their appointment. It is expected that all Board members attend all regularly scheduled Board meetings. If a Board member is unable to attend a regularly scheduled Board meeting, the member shall notify the City staff liaison prior to the time such meeting is held. Annually, the Board will provide each taxing unit responsible for appointing Board members a report that includes the attendance record of the Board members.

In the event of a vacancy caused by the resignation, death, or removal for any reason of a director, the governing body of the respective taxing unit which made such Board appointment shall be responsible for filling the vacancy.

Section 3. Books and Records: Approval of Programs and Financial Statements

The TIRZ Board shall keep correct and complete books and records of account and shall also keep minutes of its proceedings and the proceedings of committees having any authority of the Board of Directors. All books and records of the Zone may be inspected by any director of the City or his agent or attorney for any proper purpose at any reasonable time. At all times, the City Commission, the Finance Director of the City, or the City Auditor shall have access to the complete books and records of the Zone.

Per City Ordinance No. 1759, the Board shall have the limited authority to establish and administer economic development programs, including the power to make loans and grants
from collected tax increment, authorized under Chapter 380 of the Texas Local Government Code. Should such loans or grants occur, their intent must fulfill the public purposes of developing and diversifying the economy, eliminating unemployment, underemployment, and developing or expanding transportation, business and commercial activity in the TIRZ. Such authority shall be expressly limited by the TIF Project Submission Guidelines (to be created and approved by Commission). The guidelines will limit the Board’s authority with respect to making loans and grants from collected tax increment by defining a maximum amount that may be disbursed by the Board for approved projects without requiring additional approval by Commission. Approved projects which require more funding than the Board is expressly authorized to disburse per the TIF Project Submission Guidelines, require final approval by Commission before any funds may be released.

ARTICLE III
OFFICERS

Section 1. **Titles and Terms of Office**

The officers of the Zone shall consist of a chair, a vice chair, a secretary and such officers as the Board may from time to time elect or appoint; provided, however, that City Commission shall, on an annual basis, appoint the chair whose term shall end on January 24 of each year. One person may hold more than one office, except that the chair shall not hold the office of secretary. Terms of office for officers other than the chair shall not exceed two (2) years.

All officers other than the chair, shall be subject to removal from office, with or without cause, at any time by a vote of a majority of the entire Board.

A vacancy in the office of any officer other than the chair shall be filled by a vote of a majority of the directors.

Section 2. **Powers and Duties of the Chair**

The chair shall be the chief executive officer of the TIRZ Board of Directors and subject to the approval of the City Commission, shall be in general charge of the properties and affairs of the Zone and shall preside at all meetings of the Board. The chair determines the order of business for items posted on the TIRZ Board agenda at the commencement of each posted meeting.

Section 3. **Vice Chair**

The vice chair shall be a member of the Board of Directors and shall have such powers and duties as may be assigned by the Board. The vice chair shall exercise the powers of the chair during that officer’s absence or inability to act. Any action taken by the vice chair in the performance of the duties of the chair shall be conclusive evidence of the chair’s absence or inability to act at the time such action was taken.

Section 4. **Secretary**
The secretary shall keep the minutes of all meetings of the Board in books provided for the purpose and shall have charge of such books, records, documents and instruments as the Board may direct, all of which shall at all reasonable times be open to inspection. The secretary shall generally perform all duties incident to the office of secretary subject to the control of the City Commission and the Board of Directors. The function of secretary may be performed by City staff.

Section 5. **Compensation**

Officers shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties hereunder.

Section 6. **Administrative Staff**

Staff functions for the Board may be performed by the City manager and/or his designees. The City manager and/or his designees shall assist members in performance of their office through consultation and the furnishing of information.

Section 7. **Ethics**

Any member of the TIRZ Board who has a professional, personal or financial interest in any specific matter presented before the TIRZ Board shall recuse himself from the deliberation during the presentation and shall not participate in action, if any, taken on that specific matter. Additionally, in the interest of fairness, no discussion shall be held by a member or members of the TIRZ Board with any property owners, applicants or their representatives attempting to influence any Board member concerning a proposed project, or any other matter before the Board either at home, office, in person, by telephone, text message, e-mail or letter. All such discussions shall be held at the public hearing called for that purpose so that all members of the TIRZ Board shall have the full benefit and knowledge of the discussion. Further, when a TIRZ Board member is called upon to voice opinions at public or private functions, he/she shall indicate that such opinions are made in a personal capacity and are not representative of the TIRZ Board unless a formal action by the Board has been taken on the specific issue.

ARTICLE IV
MEETINGS, QUORUM & CONDUCT OF BUSINESS

Section 1. **Meetings of Directors**

The directors shall hold their regular meetings within a public building in the City as the TIRZ Board may from time to time determine. All TIRZ Board meetings and business matters should be of a public nature unless pertaining to an issue requiring the privacy of a closed session under an allowed statutory exception of the Open Meetings Act. Notice of all regular meetings of the Board and any committees thereof shall be posted in accordance with the
provisions of Chapter 551, Texas Government Code. There shall be at least one regular meeting held each year for review and approval of the Annual Report. No notice of regular meetings shall be required to be given to the directors, other than through the published schedule adopted at a regular meeting of the TIRZ Board.

Section 2. **Emergency Meetings**

Emergency meetings of the Board of Directors shall be held whenever called by the chair, by the secretary, by a majority of the directors then in office or upon advice of or request by the City Commission. The secretary shall give notice to each director of each emergency meeting. Notice of all emergency meetings shall state the purpose, which shall be the only business conducted and shall be subject to the requirements of state law.

Section 3. **Quorum**

A majority four (4) of the seven (7) directors holding current appointments shall constitute a quorum for the consideration of matters pertaining to the purposes of the Zone. The act of a majority of the members present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a greater number is required by law.

**ARTICLE V**

**PROVISIONS REGARDING BYLAWS**

Section 1. **Effective Date**

These Bylaws shall become effective only upon the occurrence of the following events:

(1) The adoption of these Bylaws by the Board of Directors; and
(2) The approval of these Bylaws by the City Commission.

Section 2. **Amendments to Bylaws**

These Bylaws may be amended by majority vote of the Board of Directors, provided that the Board of Directors files with the City Commission a written application requesting that the City Commission approve such amendment to the Bylaws, specifying in such application, the amendment or amendments proposed to be made. If the City Commission by appropriate resolution finds and determines that it is advisable that the proposed amendment be made, authorizes the same to be made and approves the form of the proposed amendment, the Board of Directors shall proceed to amend the Bylaws.

After consultation with the Board of Directors, the Bylaws may also be amended at any time by the City Commission by adopting an amendment to the Bylaws by resolution of the City Commission and delivering the Bylaws to the secretary of the Board of Directors.

Section 3. **Interpretation of Bylaws**
These Bylaws and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section or other part of these Bylaws, or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these Bylaws and the application of such word, phrase, clause, sentence, paragraph, section of other part of these Bylaws to any other person or circumstance shall not be affected thereby.

ARTICLE VI
GENERAL PROVISIONS

Section 1. Resignations

Any director may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no date is explicitly stated, resignation is effective at the time of its receipt by City Commission. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 2. Approval of Delegation of Power by the City Commission

To the extent that these Bylaws refer to any approval by the City, such approval of delegation shall be evidenced by a certified copy of an ordinance or resolution, duly adopted by the City Commission.

Approved by the TIF Board of Directors on the 10th day of February, 2022.

Approved by the Pampa City Commission by Resolution No. R22-005, attached hereto, on the 14th day of February, 2022.
AGENDA ITEM: 6

ITEM/PROJECT: EXECUTIVE SESSION: CITY MANAGER’S ANNUAL EVALUATION

MEETING DATE: February 14, 2022

DESCRIPTION

EXECUTIVE SESSION: The City Commission will convene into closed session in accordance with Texas Government Code, Subchapter D, Section 551.074 – Personnel Matters to discuss:

- City Manager’s Annual Evaluation

RECONVENE: The City Commission will reconvene into open session to act, if necessary, regarding matters discussed in Executive Session.

STAFF CONTACT: Commission Members