



**NOTICE OF A REGULAR MEETING  
THE BRENHAM CITY COUNCIL  
THURSDAY, DECEMBER 1, 2016 AT 1:00 P.M.  
SECOND FLOOR CITY HALL  
COUNCIL CHAMBERS  
200 W. VULCAN  
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate, Jr.**
- 3. Citizens Comments**

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

**4-a. Minutes from the October 20, 2016 Regular City Council Meeting Pages 1-8**

**WORK SESSION**

- 5. Discussion and Update on the Tax Phase-In Compliance Review Committee Pages 9-10**
- 6. Discussion and Presentation on Masonry Standards Page 11**
- 7. Discussion and Presentation on the Nancy Carol Roberts Memorial Library Policy Manual Pages 12-13**

## REGULAR SESSION

8. **Discuss and Possibly Act Upon Resolution No. R-16-033 Approving the Adoption of the Nancy Carol Roberts Memorial Library Policy Manual** **Pages 14-35**
9. **Discuss and Possibly Act Upon Change Order No. 1 and Authorization of Final Payment to Collier Construction Co. for the Hohlt Park Trail Reconstruction, and Authorize the Mayor to Execute Any Necessary Documentation** **Pages 36-42**
10. **Administrative/Elected Officials Report**

**Administrative/Elected Officials Reports:** Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

## Adjourn

**Executive Sessions:** The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiation

## CERTIFICATION

I certify that a copy of the December 1, 2016 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on November 28, 2016 at **12:30 PM**.

*Kacey A. Weiss*

Deputy City Secretary

**Disability Access Statement:** This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_ AM PM.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on October 20, 2016 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

Mayor Milton Y. Tate, Jr.  
Mayor Pro Tem Gloria Nix  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Mary E. Barnes-Tilley  
Councilmember Weldon Williams, Jr.

### Members absent:

None

### Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Stacy Hardy, Susan Nienstedt, Director of Community Services Wende Ragonis, Crystal Locke, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Public Works Director Dane Rau, Leslie Kelm, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, Lori Lakatos and Judson Hall

### Citizens present:

Joe Al Picone, Jane Hinze, Shae Janner and Willy Dilworth

### Media Present:

Arthur Hahn, Brenham Banner Press; Caitlin Hahn, Brenham Banner Press; and Mark Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Herring**

**3. Proclamation**  
➤ **Texas Chamber of Commerce Week**

**4. Citizens Comments**

There were no citizen comments.

**REGULAR SESSION**

**12. Discuss and Possibly Act Upon a Request from the Washington County Appraisal District for Disaster Reappraisal of Properties Located Within the Declared Disaster Area in the City Resulting from the May 2016 Flood Event, as Authorized by Section 23.02 of the Texas Tax Code, and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item and introduced Willy Dilworth, Chief Appraiser with Washington County Appraisal District (WCAD). Dilworth explained that the Texas Tax Code allows for the reappraisal of properties located within an area declared a natural disaster by the governor; however, the reappraisal process must be authorized by the local taxing entities. Dilworth stated that his staff is prepared to perform the reappraisal of those properties located within the city limits that sustained major damage in the May 2016 flooding, if the City Council approves that to be done.

Dilworth explained that if the reappraisals are approved by all of the taxing entities, his staff would notify all of the property owners of the steps to take in order to have their property, which sustained major damage, reappraised. Dilworth stated it is anticipated the financial impact of granting this opportunity for reappraisal will be minimal.

Dilworth stated that the reappraisal only applies to houses and buildings (structures) and does not include driveways, fences, etc. Dilworth stated that appraisers will meet with the owners to assess the damages and if repairs have already been made, appraisers can use photos, insurance repair estimates and receipts of repairs. Dilworth said that there are approximately 135 properties in the city that are affected.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the request from the Washington County Appraisal District for disaster reappraisal of properties located within the declared disaster area in the City resulting from the May 2016 flood event, as authorized by Section 23.02 of the Texas Tax Code, and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

## **WORK SESSION**

### **5. Discussion and Presentation on Street Improvement Program**

Public Works Director Dane Rau presented this item. Rau explained that during the budget process, City Council dedicated \$225,000 a year from the sale of the Chappell Hill property and authorized another \$135,000 to remain in the operating budget for street reconstruction. Rau stated that this will give the Street Department a total of \$360,000 a year to bring “poor” streets to a “satisfactory” stage. Rau stated the last time the street inventory was conducted was 2013 and at that time it was determined that 20% of the 85 miles of streets in the City were in the “poor” category with 35% in the “fair” category.

Rau advised that the Street Department has outlined sections of roadways that will be targeted for reconstruction utilizing the \$1.46 million dollars over a 4 year period.

Rau explained that his staff will begin reconstruction projects very soon and continue into the next year with the streets identified in the 2017-2020 Street Improvement Program. Rau stated that without some sort of additional funding in the years to come, it will take over nine years to complete the 22.5 miles of “poor” roadways.

Rau stated that a copy of the “2017-2020 Street Improvement Program” information will be on file in the City Secretary’s office for any citizens that would like to review it.

**6. Discussion and Presentation on the Federal Emergency Management Agency's (FEMA's) Mitigation Project from the May 2016 Flood Event**

City Engineer Lori Lakatos presented this item. Lakatos explained that during the May 2016 flood event multiple sites were damaged throughout the City. Lakatos stated that FEMA declared Washington County a disaster area thus making the City eligible for public assistance. Lakatos advised that as part of the recovery relief FEMA provides for hazard mitigation for projects that meet the requirements. Lakatos explained that FEMA's hazard mitigation will help reduce the risk of damages occurring in the future. Lakatos stated that there is a 75/25 cost split with FEMA if the mitigation of a project is approved.

Councilmember Barnes-Tilley explained that the ultimate concern is to keep these types of damages from happening in the future. Barnes-Tilley stated that she would like for staff to be proactive with the repairs instead of going back at a later date and paying again.

Mayor Tate advised that staff should proceed with the FEMA mitigation process.

**REGULAR SESSION**

**7. Discuss and Possibly Act Upon Resolution No. R-16-029 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2016 Christmas Stroll and Lighted Parade to be Held on Saturday, December 3, 2016**

Community Services Specialist Crystal Locke presented this item. Locke explained that the 2016 Christmas Stroll and Lighted Parade is sponsored by the City of Brenham and their goal is to create a family friendly holiday environment and attract people to the downtown area. Locke advised that this year's stroll will be held December, 2-3, 2016. Locke stated that the times are Friday from 5:00pm until 9:00pm and Saturday from 8:00am until 9:00pm. Locke noted that Main Street and Alamo Street will be closed between Market Street and Austin Street from 5:00pm until 9:00pm on Friday and 4:00pm until 9:00pm on Saturday. Locke stated there will be live entertainment, a lighted parade, Holiday hayride, horse-drawn carriage rides, kids' activities, and more. Locke explained that due to an agreement with TxDOT, closures over four hours need approval, while closures four hours and less do not need approval.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve Resolution No. R-16-029 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2016 Christmas Stroll and Lighted Parade to be held on Saturday, December 3, 2016.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for Annually Repeating Updated Service Credits and an Increase in Retirement Annuities in the Texas Municipal Retirement System Effective January 1, 2017**

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that for many years, City Council has approved, on an annual basis, an ordinance providing for updated service credit (USC) and an increase in retirement annuities of 70% of the CPI as provided through the Texas Municipal Retirement System. Miller stated that in order to make any changes in the City’s plan provisions, an ordinance must be approved by Council.

Miller advised that in the FY17 budget workshops, staff discussed transitioning to “best business practices” to advance fund the promised benefit to City employees during their working years which is known as “generational equity”. Miller stated the ordinance prepared by TMRS allows for updated service credits on an annually repeating basis, while the increases in retirement annuities are for one year. Miller noted that in the FY17 budget, staff included the rate of 9.62% which is Plan 2 rate in the TMRS Plan Change Study.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an Ordinance on its first reading providing for annually repeating updated service credits and an increase in retirement annuities in the Texas Municipal Retirement System effective January 1, 2017.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**9. Discuss and Possibly Act Upon Resolution No. R-16-030 Expressing Official Intent to Reimburse Certain Costs Related to the Water Treatment Plant Rehabilitation and Protective Coatings Project**

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that during the FY17 Budget Workshops, capital projects requiring the issuance of Certificates of Obligation were discussed along with the timing of the related debt issuances. Miller advised that included in this discussion was the Water Treatment Plant Rehabilitation and Protective Coatings Project (Raw Water Tank & Clarifier Rehab) for \$677,000. Miller stated this project was slated to require debt funding to be obtained in calendar year 2017. Miller explained that in order to issue purchase orders for this project, the Council must approve the Reimbursement Resolution to declare reimbursement of certain costs related to these capital expenditures from the issuance of Certificates of Obligation to be repaid thru Water rates.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-16-030 expressing official intent to reimburse certain costs related to the water treatment plant rehabilitation and protective coatings project.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**10. Discuss and Possibly Act Upon Bid No. 3900.042/050 Related to the 2016 Water Treatment Plant Protective Coatings Project and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that on September 28, 2016, bids were opened by O’Malley Strand Associates, Inc. and staff for the 2016 Water Treatment Plant Protective Coatings project. Ogle stated that six bids were received for this project. Ogle advised that the low bidder, Hydro Concrete Tank Solutions of TX, LLC, is qualified and experienced in this type of work and has been recommended by O’Malley Strand. Ogle noted that this is Phase 1 of 2 of the overall project.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to award Bid No. 3900.042/050 to Hydro Concrete Tank Solutions of TX, LLC in the amount of \$357,400.00 for the 2016 water treatment plant protective coatings project and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**11. Discuss and Possibly Act Upon the Approval of a Purchase Related to the Emergency Repairs to the Raw Water Intake Pump No. 1 at the Lake Somerville Pump Station and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that in June 2016, Lake Raw Water Pump 1 required emergency repair. Ogle stated a quote was received from Weisinger Incorporated in the amount of \$47,975.00 with alternate costs for a mechanical seal (\$2,400). Ogle advised that at this time, staff believed the repairs would not exceed the original estimate and a Purchase Order was issued to Weisinger Incorporated in that amount. Ogle explained that after the repairs began, staff decided that the mechanical seal would be a beneficial upgrade and authorized that addition. Ogle explained that upon reinstallation, the repaired pump would not seat properly. Ogle stated that as a result of the pump not setting in place properly, there were some necessary modifications made to the pump. Ogle advised that with the mechanical seal, added installation attempts and pump modifications, the final invoice amount was \$58,125.00.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a purchase from Weisinger Incorporated in the amount of \$58,125.00 related to the emergency repairs to the raw water intake pump no. 1 at the Lake Somerville Pump Station and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

### 13. Administrative/Elected Officials Report

#### ➤ Parks and Recreation Update

Public Works Director Dane Rau addressed Council regarding the parks and recreation update. Rau stated that the Hohlt Park walking trail has been completed. Rau advised that at the Michael Owsley Park plants will be planted on Monday and the shade structure will be erected next week. Rau stated that the skate park equipment installation has been completed.

City Manager Terry Roberts reported on the following:

- The ribbon cutting for the animal shelter will be on November 7<sup>th</sup> from 2:00 p.m. to 4:00 p.m. The open house will be November 13<sup>th</sup> from 2:00 p.m. to 4:00 p.m.
- Retirement party for city employee, Linda Mooney, will be on November 3<sup>rd</sup> from 11:00 a.m. to 2:00 p.m. at City Hall.
- The annual Health Fair will be held on November 15<sup>th</sup> and 16<sup>th</sup>

Director of Community Services Wende Ragonis reported on the following:

- November 2<sup>nd</sup> at 4:00 p.m. there will be a reception at the library for elected officials and donors
- The ribbon cutting for the library will be November 14<sup>th</sup> from 2:00 p.m. to 4:00 p.m.
- Walk with a Doc will be this Saturday at Jackson Street Park

Fire Chief Ricky Boeker reported on the following:

- The new fire prevention program was a huge success and the Fire Department will be presenting it again at their upcoming Open House in November.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC, CMC  
City Secretary



## AGENDA ITEM 5

<b>DATE OF MEETING:</b> December 1, 2016	<b>DATE SUBMITTED:</b> November 21, 2016	
<b>DEPT. OF ORIGIN:</b> Brenham EDF	<b>SUBMITTED BY:</b> Clint Kolby	
<b>MEETING TYPE:</b> <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> SPECIAL <input type="checkbox"/> EXECUTIVE SESSION	<b>CLASSIFICATION:</b> <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> WORK SESSION	<b>ORDINANCE:</b> <input type="checkbox"/> 1 <sup>ST</sup> READING <input type="checkbox"/> 2 <sup>ND</sup> READING <input type="checkbox"/> RESOLUTION
<b>AGENDA ITEM DESCRIPTION:</b> Discussion and Update on the Tax Phase-In Compliance Review Committee		
<p><b>SUMMARY STATEMENT:</b> The Tax Phase-In Compliance Review Committee meets every year to review all of the current tax phase-in recipients who were granted the incentive to ensure that value creation and employment &amp; payroll criteria are being met.</p> <p>This year, the Committee reviewed the following ten companies for compliance: Advanced Data Storage, Stanpac, Blue Bell Creameries, QuestSpecialty, Valmont Industries, Longwood Elastomers, MIC Group, Brazos Valley Brewing Company, PPE/GSL and Tempur Sealy. The Committee has verified that all ten companies are in compliance with the criteria set forth in the Tax Phase-In Policy.</p>		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Memo from Brenham EDF		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> No action required – discussion only.		
<b>APPROVALS:</b> Terry K. Roberts		

**2016 Board of Directors**

**Billy Holle, Chair**  
*Seidel Schroeder*

**Matt Bentke, Vice Chair**  
*Bluebonnet Electric Coop.*

**Gary Weiss, Secretary**  
*Germania Insurance*

**Tieman Dippel III, Treasurer**  
*Brenham National Bank*

**William Krueger, Past Chair**  
*Jones/Carter, Inc., Retired*

**Roger Atkins**  
*RJ3 Enterprise*

**Chris Cangelosi**  
*Washington County Abstract Co.*

**Cory Flencher**  
*Citizens State Bank*

**Mike Hopkins, Jr.**  
*Mike Hopkins Distributing Co.*

**Catherine Kenjura**  
*Lacina & Kenjura, P.C.*

**Barney Loesch**  
*Thrivent Financial*

**Stephen Miller**  
*Brenham Wholesale Grocery Co.*

**Brett Smith**  
*Lee Anderson Co.*

**Arlen Thielemann**  
*Thielemann Construction Co.*

**Jarvis Van Dyke**  
*Van Dyke, Rankin & Co.*

**Donald Voelter, Ph.D.**  
*Blinn College, Retired*

**Staff**

**Page Michel**  
*President & CEO*

**Clint Kolby**  
*Project Manager*

**MEMORANDUM**

To: Mayor Tate and Brenham City Council  
From: Clint Kolby, EDF Project Manager  
Subject: Tax Phase-In Compliance Review Committee Report  
Date: November 21, 2016

According to the City of Brenham's Tax Phase-In Policy, a Compliance Review Committee shall collect from every tax phase-in incentive recipient a sworn statement of compliance and verifying documents ensuring that all requirements have been met. The Committee shall then provide a report on the status of all Tax Phase-In incentive agreements to the City Council on or before December 15 of each calendar year.

This year, the Committee reviewed ten companies for compliance:

- Advanced Data Storage
- Stanpac
- Blue Bell Creameries
- QuestSpecialty
- Valmont Industries
- Longwood Elastomers
- MIC Group
- Brazos Valley Brewing Company
- PPE/GSL
- Tempur Sealy

The Tax Phase-In Compliance Review Committee, consisting of Shirley Herring and Catherine Kenjura representing the City, Roger Chambers and John Gunn representing the County, and Willy Dilworth representing the Appraisal District, met on July 18 to review their records. All ten companies have met the value creation and employment & payroll criteria for receiving the tax phase-in incentive.

If you have any questions, please feel free to contact the EDF office at 979-836-8927 or [clint@brenhamtexas.com](mailto:clint@brenhamtexas.com).



## AGENDA ITEM 6

<b>DATE OF MEETING:</b> December 1, 2016	<b>DATE SUBMITTED:</b> November 16, 2016	
<b>DEPT. OF ORIGIN:</b> Development Services	<b>SUBMITTED BY:</b> Erik Smith	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discussion and Presentation on Masonry Standards		
<p><b>SUMMARY STATEMENT:</b> Tony Topping with Texas Masonry Council is going to give a presentation to City Council regarding masonry requirements and benefits this type of ordinance can have on a community long term. There are many different ways a community can adopt this type of regulation and have a major impact on long term property values and also be flexible and cautious on impacting rising construction costs. Council can ultimately choose what types of development ie, commercial, residential or both, would have this type of requirement and overall percentages of a new building needing to be constructed of masonry materials. This is just a presentation to gauge Council's interest in exploring this design standard and whether or not this is beneficial to Brenham.</p> <p>Staff will provide handouts of the presentation prior to the meeting to Council.</p>		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> None		
<b>FUNDING SOURCE (Where Applicable):</b>		
<b>RECOMMENDED ACTION:</b> No action required – discussion only.		
<b>APPROVALS:</b> Terry K. Roberts		



## AGENDA ITEM 7

<b>DATE OF MEETING:</b> December 1, 2016	<b>DATE SUBMITTED:</b> November 18, 2016	
<b>DEPT. OF ORIGIN:</b> Community Services	<b>SUBMITTED BY:</b> Andria Heiges	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discussion and Presentation on the Nancy Carol Roberts Memorial Library Policy Manual		
<p><b>SUMMARY STATEMENT:</b> Staff began policy revision discussions with the Library Advisory Board at the March 27, 2013 board meeting. At that meeting the Library Advisory Board voted to create a policy sub-committee to comprehensively review the Library policy manual. This committee met over the course of the following year with the recommendations presented to the Board at the June 11, 2014 meeting. During this meeting, it was determined that the policies in-concept met the approval of the Library Advisory Board.</p> <p>Staff has compiled the documentation from the work of this sub-committee and presented a draft version for the Library Advisory Board's consideration at the August 31, 2016 meeting.</p> <p>Staff continued to revise the policies based on feedback received from the Board members, library staff, city attorney and others. The Library Advisory Board voted at their November 16, 2016 meeting to approve the Nancy Carol Roberts Memorial Library Policy Manual and recommended staff to present to City Council for adoption of the Library Policy by Resolution.</p>		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> The Nancy Carol Roberts Memorial Library Policy Manual will be distributed at the meeting to Mayor and Councilmembers and will be on file for review in the City Secretary's office. The policy manual is also included as Exhibit A to Agenda Item No. 8 in this packet.		

**FUNDING SOURCE (Where Applicable):** N/A

**RECOMMENDED ACTION:** No action required – discussion only.

**APPROVALS:** Terry K. Roberts



## AGENDA ITEM 8

<b>DATE OF MEETING:</b> December 1, 2016	<b>DATE SUBMITTED:</b> November 18, 2016	
<b>DEPT. OF ORIGIN:</b> Community Services	<b>SUBMITTED BY:</b> Andria Heiges	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Resolution No. R-16-033 Approving the Adoption of the Nancy Carol Roberts Memorial Library Policy Manual		
<b>SUMMARY STATEMENT:</b> The current Nancy Carol Roberts Memorial Library Policy was adopted in May 2008. Staff compiled the proposed policy manual from the work of the Library Policy Sub-committee, Library Board members, library staff, city attorney and others and presented the policy in the work session today. The Nancy Carol Roberts Memorial Library Policy Manual is presented for adoption by Resolution on December 1, 2016 with an effective date of January 1, 2017.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b>		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Resolution No. R-16-033		
<b>FUNDING SOURCE (Where Applicable):</b> N/A		
<b>RECOMMENDED ACTION:</b> Approve Resolution No. R-16-033 approving the adoption of the Nancy Carol Roberts Memorial Library Policy Manual		
<b>APPROVALS:</b> Terry K. Roberts		

**RESOLUTION NO. R-16-033**

**A RESOLUTION APPROVING THE ADOPTION OF THE NANCY CAROL ROBERTS MEMORIAL LIBRARY POLICY MANUAL AND REPEALING ALL PREVIOUSLY ADOPTED LIBRARY POLICY MANUALS, POLICIES, PROCEDURES, AMENDMENTS AND REVISIONS.**

**WHEREAS**, the Brenham City Council wishes to maintain certain policies and procedures for the operation of the Nancy Carol Roberts Memorial Library; and

**WHEREAS**, the Nancy Carol Roberts Memorial Library Policy Manual is used as a tool to assist the Library staff in the handling of the day-to-day operations of the Library; and

**WHEREAS**, the Nancy Carol Roberts Memorial Library Policy Manual was last amended on May 20, 2008; and

**WHEREAS**, since that time, several policies and procedures have changed or have been modified and the current Nancy Carol Roberts Memorial Library Policy Manual is in need of updating; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Brenham, Texas as follows:

**Section 1:** That the City Council of the City of Brenham hereby adopts the Nancy Carol Roberts Memorial Library Policy Manual attached hereto as “Exhibit A” and incorporated herein for all purposes.

**Section 2:** That any and all previously adopted Library Policy Manuals, policies, procedures, amendments and revisions are hereby repealed.

**Section 3:** That this Resolution and the Library Policy Manual attached hereto as Exhibit “A” shall be effective beginning on January 1, 2017.

**PASSED AND APPROVED** this 1<sup>st</sup> day of December, 2016.

**ATTEST:**

\_\_\_\_\_  
Milton Y. Tate, Jr.  
Mayor

\_\_\_\_\_  
Jeana Bellinger, TRMC, CMC  
City Secretary



## Exhibit A

*Teach a child to read  
and they hold the world  
at their fingertips.*

# Nancy Carol Roberts Memorial Library Policy

**learning access service community collaboration**

Effective January 1, 2017

Adopted by Brenham City Council



# Library Card and Circulation Policy

## 1. Purpose

- 1.1. The Nancy Carol Roberts Memorial Library (“NCRML”) welcomes and encourages the public to use the Library for information, education, enrichment and entertainment as outlined in the Nancy Carol Roberts Memorial Library Strategic Plan 2016-2026 (“Strategic Plan”). The Library Card and Circulation Policy protect the tax payers’ investment in the Library.

## 2. Patron Eligibility

- 2.1. The NCRML will provide library cards to any resident of the state of Texas at no charge. If they reside outside of Washington County, Texas there is a suggested donation. Please refer to the Nancy Carol Roberts Memorial Library Fee Schedule (“Fee Schedule”).
  - 2.1.1. Patrons must have a valid Texas ID or a photo ID with proof of Texas residency.
  - 2.1.2. Students of school districts situated within Washington County, Texas may obtain a library card with a student ID.
  - 2.1.3. Library cards must be signed by the patron in the Library.
  - 2.1.4. A patron may obtain a library card at the age of five (5) or older. A parent’s or legal guardian’s signature and valid Texas ID are also required until the patron reaches the age of sixteen (16).

## 3. Card Renewals and Replacement

- 3.1. The Library card holder’s information must be updated each year. The patron can come to the library or verify the account information over the phone to renew their membership.
- 3.2. A library card is required to checkout materials or other resources. If a patron does not have their library card with them, the Librarian may allow check out with a photo ID one time in lieu of the card.
- 3.3. There may be a charge for a replacement card. Please refer to the Fee Schedule.

## 4. Overdue Fees/Fines

- 4.1. There are four (4) stages of overdue fees/fines.
  - 4.1.1. Stage 1: Two (2) days overdue generates an automated call, email or text to the patron; according to their choice of contact method. The fine is a per-day/per-item charge with a one day grace period automatically extended on the first day.
  - 4.1.2. Stage 2: Fourteen (14) days overdue generates another automated call, email or text to the patron; according to their choice of contact method. The fine continues on a per-day/per-item charge until the maximum amount of a fine is reached. Library card privileges are suspended when a fine reaches the maximum amount and the materials are classified as lost.

- 4.1.3. Stage 3: Twenty-eight (28) days overdue, the Library Staff sends a postcard reminder. The fine continues on a per-day/per-item charge until the maximum amount of a fine is reached. Library card privileges are suspended when a fine reaches the maximum amount.
- 4.1.4. Stage 4: Sixty (60) days overdue, the patron may be referred to an outside collection agency.

## **5. TexShare**

- 5.1. Nancy Carol Roberts Memorial Library is a participating library in the TexShare system. TexShare is a statewide library card that allows patrons to borrow physical materials from other Texas libraries.
  - 5.1.1. The Library will issue TexShare cards for Washington County residents only.
  - 5.1.2. A photo ID with a Washington County address is required when applying for a TexShare card.
  - 5.1.3. All TexShare applicants must be at least 18 years of age, have been issued a valid NCRML library card for a period of at least six months, and no fine balance.
  - 5.1.4. TexShare cards expire in one year and must be renewed in person at the Library.

## **6. Circulation Limits**

- 6.1. Ten (10) items may be checked out at one time on a library card.
  - 6.1.1. Books and audios may be checked out for a three-week loan period.
  - 6.1.2. Movies may be checked out for a one-week loan period.
  - 6.1.3. If there are no reservation requests for the items, the item may be renewed either in person at the Library or by telephone up to three times.

## **7. Reserves**

- 7.1. Any material that is checked out may be reserved for a patron. The patron may make a reservation online, by telephone or at the Service Desk. When the reserved item is ready for the patron to pick up, the Library will call, auto call, email or text according to the patron's choice of contact method. The item will be held for the patron for three days after the contact is made.

# Collection Policy

## 1. Purpose of Collection Policy

1.1. The Collection Policy is a guideline describing how the Nancy Carol Roberts Memorial Library (“NCRML”) selects and evaluates materials that address the NCRML’s goals of expanding access to information, ideas and stories and supporting educational and learning opportunities. As the needs of NCRML’s patrons change, the Library will evaluate its Collection Policy and revise as needed.

## 2. Philosophy of our Collection

2.1. The *Library Bill of Rights* and the *Freedom to Read Statement* are supported by the NCRML and are integral parts of our collection development. The *Library Bill of Rights* and the *Freedom to Read Statement* are incorporated by reference into the Collection Policy.

## 3. Scope of Collection

3.1. The NCRML serves the public by providing a broad choice of print, non-print and digital materials. The materials are intended to inform, educate enrich and entertain patrons as outlined in the Nancy Carol Roberts Memorial Library Strategic Plan 2016-2026 (“Strategic Plan”).

## 4. Selection Procedures

4.1. The Librarian has the responsibility of selecting library materials. The Librarian may delegate the selection of material to qualified staff. Selectors are responsible for using professional judgement, information, available specialized library review sources and mass audience reviews for the selection of material. The public is encouraged to recommend materials that serve the interests and needs of the community.

## 5. Selection Criteria

5.1. All materials considered for the collection are based on the following criteria, although these criteria are not exhaustive and may be revised:

- 5.1.1. Popular interest
- 5.1.2. Contemporary significance or permanent value
- 5.1.3. Local interest
- 5.1.4. Readability
- 5.1.5. Treatment of subjects for various ages
- 5.1.6. Reputation of author or illustrator
- 5.1.7. Format or ease of use
- 5.1.8. Patron request
- 5.1.9. Cost and availability
- 5.1.10. Relationship to existing materials

## **6. Request for Reconsideration**

6.1. Library patrons wishing to request the reconsideration of a particular material in the Library collection may submit a Request for Reconsideration of Library Material form. The request will be reviewed by the Librarian in relation to the Library's Mission Statement, the Strategic Plan and the Selection Criteria. The collection item can only be submitted for review once within a twelve-month period. The Librarian's decision may be appealed to the Nancy Carol Roberts Memorial Library Advisory Board.

## **7. Procedure for Review of a Request for Reconsideration**

- 7.1. The request must be in writing and submitted on the form provided by the Library;
- 7.2. Include two reviews located by the Librarian if possible;
- 7.3. Be evaluated using the Mission Statement, Selection Criteria and *Library Bill of Rights*; and
- 7.4. Result in a letter sent to patron within thirty (30) days including *Library Bill of Rights*, reviews, awards or merits.

## **8. Continuous Review Evaluation Weeding (CREW) Process**

8.1. The Library collection will be accessible, appealing, valuable and marketable. To maintain a quality collection, the Librarian has the responsibility for deselection of Library material. The Librarian may delegate this task to qualified staff. The CREW (Continuous Review Evaluation Weeding) manual, which is a best practice guide in the library service industry, shall be utilized by Library staff in evaluating material for deselection.

## **9. Continuous Review Evaluation Weeding (CREW) Criteria**

- 9.1. All material for deselection from the collection is considered by these criteria, although these criteria are not exhaustive and may be revised:
  - 9.1.1. Out of date, copyright average
  - 9.1.2. Damaged or worn
  - 9.1.3. Space limitations
  - 9.1.4. Duplication
  - 9.1.5. Low interest
  - 9.1.6. Passed shelf life
- 9.2. Withdrawn items can be sold through the Brenham Fortnightly Club Book Drive, donated to nonprofit organizations or given away at the Librarian's sole discretion.

## **10. Donations**

10.1 NCRML will not accept book donations in memorial or in honor of individuals, nor will the Library include name plates on specific books. Monetary donations will be accepted and a memorial book will be placed in the Library for memorials and "in honor of" donation recognition. Staff will send thank you letters for these monetary donations. Donated materials to the genealogy collection will be reviewed and evaluated for consideration to add to the collection.

## Computer and Internet Usage Policy

Computers and the internet greatly expand the availability of information beyond the traditional Library collection. The computer system provides the opportunity to integrate electronic resources from information networks with the Library's other resources. The internet also enables the Library to provide information, education and recreation. However, it is an unregulated global medium for which the Library cannot guarantee the accuracy, authenticity, or appropriateness of the information discovered through this resource. This usage policy and guidelines help to identify activities and uses that support our mission and long range goals.

### 1. Library Patron Access, Use and Printing

- 1.1. Patrons must sign in to desktops using their library card number and password. By agreeing to the splash page, this action signifies that the patron understands and is agreeing to the City of Brenham Usage Agreement and Filtering System. The Nancy Carol Roberts Memorial Library Usage Agreement and Filtering System is incorporated by reference. See Appendix.
- 1.2. Computers located in the Children's Room and Wi-Fi devices are reserved for use by children and parents of children present in the room. This allows for appropriate parental supervision of all children under the age of 10.
- 1.3. Computer sessions are limited to one hour. Patrons may request an extension of one hour up to a maximum of three hours per day if no one else is waiting for a computer. All desktop computers will automatically shut down 10 minutes before the library closes.
- 1.4. Audio users are required to use headphones.
- 1.5. Patrons are expected to be knowledgeable in basic computer operations. Library staff may assist if time permits.
- 1.6. Only parents and legal guardians have the right and responsibility to monitor their own minor children's access to the internet and information.
- 1.7. Patrons entering personal information including financial records do so at their own risk.
- 1.8. Inappropriate use of the internet in a public environment is prohibited and may result in suspension or revocation of internet use privileges.
- 1.9. Activities which disrupt the library, violate copyright law, or damage equipment are prohibited.
- 1.10. The Nancy Carol Roberts Memorial Library is not responsible for work or information lost due to computer or system malfunction.

### 2. Wireless Access, Use, and Printing

- 2.1. Wireless internet access is available to all patrons. Agreeing to the City splash page signifies the user's agreement to the City of Brenham Usage Agreement.

### 3. Patron Wireless Devices

- 3.1. Patrons may connect to the library's Wi-Fi with their own wireless device after agreeing to the terms outlined on the City's splash page.

#### **4. Library Wireless Devices**

Nancy Carol Roberts Memorial Library offers a variety of wireless devices for in-library uses.

- 4.1. Patrons checking out a wireless device must have a valid library card. Staff will ensure all components of the device are with the wireless device at the time of checking out the device and when the device is returned. Wireless devices are for use only in the Library or on the Outdoor Patio. Check-out sessions are limited to two hours. Time may be extended for a one hour additional session if no one is waiting for the wireless device.
- 4.2. All wireless devices must be returned for check-in 15 minutes prior to the library closing.
- 4.3. Patrons use the library's wireless internet access at their own risk. The Nancy Carol Roberts Memorial Library is not responsible for work or information lost or damage that may occur from the use of the wireless internet access service.
- 4.4. Refer to the Nancy Carol Roberts Memorial Library Fee Schedule for wireless printing charges.

# Confidentiality Policy

## 1. Purpose

1.1. The Nancy Carol Roberts Memorial Library (“NCRML”) preserves the privacy of the patrons’ circulation, registration and usage records. The Library endorses the recommendations of the American Library Association’s policy on Confidentiality of Library Records and the Library seeks to protect each library user’s right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted.

## 2. Removal of Library Records

2.1. Except during periods of transactions or daily library work, records will be removed when the information is no longer needed or upon expiration of any records retention policies. Applications will be destroyed after information is proofread. The City of Brenham’s Documentation Retention Policy is incorporated herein by reference.

## 3. State and Federal Laws and Guidelines

3.1. In compliance with state and federal laws, no patron information will be released except in response to: a ruling from the Attorney General pursuant to the Texas Public Information Act; court orders; subpoenas; or to law enforcement officers to identify suspects, victims or witnesses to a crime.

# Gaming Policy

## 1. Purpose

- 1.1. NCRML offers an opportunity for gaming and gaming programs to make the Library more appealing to youth and teens, to encourage the use of the Library, to develop their love of books and reading, and to expose them to all of the other services of the Library. It is also available to adults to demonstrate the value of a non-traditional library service.

## 2. Ages

- 2.1. The Library welcomes youth ages 11-17 and adults to use the Library's gaming systems.

## 3. Rules of Conduct and Gaming Policy

- 3.1. Patrons wanting to use the gaming systems must read and agree to the rules and policy before using them the first time. This allows fair access and ensures proper use of the equipment.
- 3.2. The user must have a valid library card.
- 3.3. A signed gaming system agreement must be on file for each user.
- 3.4. Children under 10 may use the gaming systems if supervised by a parent or guardian or when participating in a special library program.
- 3.5. Gaming will be limited to posted library specified gaming hours only.
- 3.6. Open gaming will be limited to 1 hour per day. If no one is waiting for the game, play may be extended by another 30 minutes. Users must end play immediately at the request of the Staff or 15 minutes before closing.
- 3.7. Time limits can be suspended for organized programming and tournaments.
- 3.8. All users must first register and check out equipment at the service desk. Users are cautioned to not allow others to use items without first registering at the desk.
- 3.9. At the time of registration, the Staff will check out games, controllers or other accessories. After time is up, the Staff will check the items back in, making sure all the components of the game have been returned.
- 3.10. Patrons using a gaming system and equipment are asked to respect other patrons that are using the library and keep the volume and noise level low. Profanity is prohibited.
- 3.11. Users must quit play and check equipment back into the staff 15 minutes before closing.
- 3.12. Patrons who do not handle the equipment properly will be prohibited from play for the remainder of the day. Privileges can be suspended indefinitely if this occurs frequently.
- 3.13. Users may not bring or use games from outside the Library. User should only use games appropriate for their age.
- 3.14. Users are allowed to use their own controllers and accessories, but the Library assumes no responsibility for any damage or loss.
- 3.15. Failure to follow these rules may result in the loss of use of the library gaming system.

# Internet Safety Policy

## 1. Introduction

- 1.1. It is the policy of the Nancy Carol Roberts Memorial Library (“NCRML”) to:
  - 1.1.1. Prevent user access over its computer network to, or the transmission of, inappropriate material via the Internet, electronic mail, or other forms of electronic communications;
  - 1.1.2. Prevent unauthorized access and other unlawful online activity;
  - 1.1.3. Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
  - 1.1.4. Comply with the Children’s Internet Protection Act.

## 2. Access to Inappropriate Material

- 2.1. To the extent practical, technology protection measures (or “Internet Filters”) shall be used to block or filter the Internet, or other forms of electronic communications, to prevent access to inappropriate information.
- 2.2. Specifically, as required by the Children’s Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.
- 2.3. Subject to Library Staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes. Any individual requesting unfiltered internet use must complete a Library Web Filtering Request for Consideration Form, to be reviewed and approved by the Librarian.

## 3. Inappropriate Network Usage

- 3.1. To the extent practical, steps shall be taken to promote the safety and security of users of the Library’s online computer network when using electronic mail, chat rooms, instant messaging, and other forms of electronic communications.
- 3.2. Specifically, as required by the Children’s Internet Protection Act, prevention of inappropriate network usage includes:
  - 3.2.1 Unauthorized access, including so-called “hacking”, and other unlawful activities; and
  - 3.2.2 Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

## 4. Education, Supervision and Monitoring

- 4.1. It shall be the responsibility of all members of the NCRML staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this Policy, the Children’s Internet Protection Act, the Neighborhood Children’s Internet Protection Act, and the Protecting Children in the 21<sup>st</sup> Century Act.

4.2. Procedures for the disabling or otherwise of any technology protection measures shall be the responsibility of the City of Brenham's IT Supervisor or designated representatives.

## **5. Compliance**

5.1. Failure to comply with this Library Internet Safety Policy, or misuse of the Library's networks or computers, including patrons' personal laptops and other mobile devices connected to the NCRML's Wi-Fi, may result in the loss of computer access privileges, potential loss of library privileges and possible criminal prosecution.

5.2. Any attempts to gain unauthorized access to restricted files or networks, to damage or modify Library-owned computer equipment or software or to intentionally download or save items to Library-owned computers will result in the loss of computer access privileges, potential loss of Library privileges and possible criminal prosecution.

# Meeting Rooms Policy

## 1. Purpose of the Meeting Rooms Policy

- 1.1. Nancy Carol Roberts Memorial Library (“NCRML”) provides meeting spaces for educational, cultural, civic or charitable activities that address the six goals outlined in the Nancy Carol Roberts Memorial Library Strategic Plan 2016-2026. The meeting rooms are open to nonprofit groups and organizations whose purpose is not illegal and whose conduct is not objectionable.

## 2. Purpose of the Large Program Room

- 2.1. The Library offers a Large Program Room intended for groups to meet in a space with limited distractions from the Library. This room is named the Roberta Cole Johnson Program Room.

## 3. Use of the Roberta Cole Johnson Program (“RCJP”) Room Procedures

- 3.1. Use of the “RCJP” Room is subject to the following guidelines. These guidelines do not apply to Library programs and events.
  - 3.1.1. Library-sponsored activities are given priority for use of the “RCJP Room.
  - 3.1.2. All library sponsored meetings and programs must be free and open to the public.
  - 3.1.3. The RCJP room may not be used for social gatherings such as showers, birthday parties, or dances.
  - 3.1.4. Reservation applications may be completed online, by phone, or at the service desk and will be considered in order of receipt of a completed application. Scheduling may be done up to one year in advance of the event. All reservations will be approved by the Librarian and may be cancelled if needed. Weekend reservations are at the sole discretion of the Librarian.
  - 3.1.5. Rooms cannot be reserved by any single organization or individual on a weekly basis. A special use permit will be considered for limited exceptions.
  - 3.1.6. The RCJP room capacity is approximately 72 people as determined by the City of Brenham Fire Marshal.
  - 3.1.7. Room reservation applicants must be patrons of the NCRML and at least 18 years of age.
  - 3.1.8. While using the RCJP room, parties may not sell materials, solicit donations, or take offerings. No money can change hands. Contracts or orders may not be solicited or entered into while using the RCJP room
  - 3.1.9. The NCRML does not endorse any group’s policies or beliefs. The name “Nancy Carol Roberts Memorial Library” or “Roberta Cole Johnson Program Room” can only be used as a location designation for the program.
  - 3.1.10. The room must be clean and vacated by library close of business on weekdays and 9:30p.m. on Saturdays. If additional time is needed, it must be stated in the application and approved by the Librarian. Please refer to the Cleaning Checklist.

- 3.1.11. For meetings or programs that take place after the posted library hours, the responsible patron who reserved the room must be at the library before closing and must remain at the library throughout the entirety of the program.
- 3.1.12. The scheduled group is responsible for setting up chairs, tables and equipment prior to the meeting or program. Chairs, tables and equipment used during the program must be returned to the storage area. The room must be left in a clean and orderly condition. Refer to the cleaning checklist for cleaning requirements. The responsible patron will be billed for any janitorial fees resulting from inadequate cleaning or room damage, and will lose future library room reservation privileges.
- 3.1.13. Children's events must have at least one supervising adult for every 10 minors.
- 3.1.14. Refreshments may be served. Please report any stains or accidents immediately. Smoking is not permitted.
- 3.1.15. All RCJP room reservations will be available to be viewed by the public.

#### **4. Purpose of the Media Room (Room A), Large Meeting Room (Room B) and Study Rooms (Rooms C and D)**

- 4.1. The NCRML offers a large meeting room with technical equipment and study rooms to individuals and small group for meetings or study groups in a space with limited distractions from the Library.

#### **5. Use of the Media Room (Room A), Large Meeting Room (Room B) and Study Rooms (Rooms C and D) Procedures**

- 5.1. Use of the Large Meeting Room and Study Rooms are subject to the following guidelines. These guidelines do not apply to Library sponsored programs or events.
  - 5.1.1.1. Reservation applications may be completed online or at the service desk and will be considered in order of receipt of a completed application. Scheduling may be done 24 hours in advance. Walk-ins are welcome. Reservations are for two hour intervals. Additional time may be granted if there are no requests for the room.
  - 5.1.1.2. Any patron of NCRML age 13 years and older may reserve a room.
  - 5.1.1.3. The patron reserving a room must remain in the library at all times during its use. Any children under the age of 13 using the room must be accompanied by a guardian.
  - 5.1.1.4. The Large Meeting Room and Study Rooms must be vacated at least 15 minutes before Library closing.
  - 5.1.1.5. All functions in the Large Meeting Room and Study Rooms must be free and open to the public. The Library Staff will have unrestricted access to the rooms at all times. All doors to the Large Meeting Room and Study Rooms must remain unlocked during use.
  - 5.1.1.6. The Large Meeting Room and Study Rooms reservations will be available to be viewed by the public.

- 5.1.1.7. All meetings and programs must be free of charge. While using the meeting or study rooms, parties may not sell materials, solicit donations, or take offerings. No money can change hands. Contracts or orders may not be solicited or entered into in the meeting or study rooms
- 5.1.1.8. Rooms must be left in a clean and orderly condition. The responsible patron will be billed for any janitorial fees resulting from inadequate cleaning or room damage, and will lose future library room reservation privileges.

# Patron Conduct Policy

## 1. Purpose

1.1. Everyone who uses the Nancy Carol Roberts Memorial Library (“NCRML”) has the right to facilities that are safe and comfortable. The Patron Conduct Policy sets a tone that supports appropriate behavior for the services provided. Persons using the Library for other than its recognized purposes may be temporarily suspended or expelled at the Librarian’s discretion.

## 2. Restrictions

2.1. Smoking, vapor use, smokeless tobacco, drinking, alcohol, and drug use is not allowed indoors or on the patio.

2.2. Abusive language and inappropriate behavior towards patrons or staff may result in temporary suspension or expulsion at the Librarian’s discretion. This includes but is not limited to lewd behavior, harassment, bullying, destruction of property, physical threats or aggression.

## 3. Cell Phone Usage

3.1. Cell phone use is allowed in the lobby, general reading and reception area. In consideration of other patrons, phone conversations must be quiet and minimal.

## 4. Food and Drink

4.1. Food and beverages are allowed in the lobby and during programming. Beverages must be in an enclosed container unless otherwise approved by the Librarian. Spills must be reported as soon as possible.

## 5. Concealed Weapons

5.1. See City of Brenham’s Policy related to Concealed Weapons

## 6. Service and Therapy Animals

6.1. See City of Brenham’s Policy related to Service and Therapy Animals

## 7. Theft

7.1. The NCRML works to protect the investment of library materials paid by taxpayers. All library material removed from the Library must be checked out through the service desk. It is considered theft to remove an item without checking it out. The police will be notified if the Staff suspects that theft was intended.

# Library Services Policy

## 1. Purpose

1.1. Library services can play a vital role in the community. A long range goal of the Nancy Carol Roberts Memorial Library (“NCRML”) is to foster community connections and to be the place for people to gather, meet, get help with informational needs and attend programs.

## 2. Reference

2.1. The Library Staff may assist patrons as time allows with researching information. The Library provides online databases both from the TEXShare database sites and paid subscription sites to help patrons with reference and research needs. The Library also has a genealogy and Texana collection along with a collection of local newspaper and a microfilm machine.

## 3. Advice and Interpretation

3.1. The Library Staff may provide assistance and research for information as time allows but cannot give advice or interpret the meaning of information, including but not limited to, medical and legal matters.

## 4. Community Services

4.1. The Library Staff may refer a patron to community groups or organizations. The Library Staff welcomes any information from community groups or organizations so Staff can better direct patrons to appropriate resources.

## 5. Programming

5.1. The Library programming provides access to a variety of resources that enrich, enlighten, and entertain. It is free and open to the public. Programs may be geared toward a specific age group such as children, teen or adult but all age group are always welcome. Patrons are expected to abide by the Conduct Policy at all programming. Solicitation of a business is prohibited; however, businesses may leave cards and brochures at the Library. Any exceptions are subject to the approval of the Librarian.

## 6. Reserving Library Materials

6.1. Patrons can reserve materials from the Library collection either online, by phone or in person at the service desk. They will be notified through their chosen method of notification when the item becomes available. The material will be reserved for three business days before returning it to the shelf or passed on to the next patron in line.

## **7. Fax/Copy/Scan**

- 7.1. Faxing services from and to the Library fax machine are available for a fee. Please refer to the Nancy Carol Roberts Memorial Library Fee Schedule.
- 7.2. Copies can be made on the Library copier. Please refer to the Nancy Carol Roberts Memorial Library Fee Schedule.
- 7.3. Scanning to an email address is free and available at the copier under the scan feature.

# Unattended Children Policy

## 1. Purpose

1.1. The Nancy Carol Roberts Memorial Library (“NCRML”) welcomes and encourages children to use its facilities and services. Responsibility for children using the Library rests with the parent, legal guardian or chaperone. Though Staff will always be concerned about the patrons, they cannot and do not assume responsibility or supervise children when left unattended.

## 2. Children 10 Years and Under

2.1. Children 10 years or younger must not be left alone in the Library. They must be accompanied by an adult or other responsible chaperone. They cannot be left alone in the Children’s Room. Parents or legal guardians needing a computer may use the computers in the Children’s Room while supervising their children.

## 3. Children 11 Years and Older

3.1. Children 11 years or older may use the Library unattended, subject to all policies and procedures adopted in the Patron Conduct Policy.

## 4. Disruptions

4.1. Disruptive children will not be allowed to interfere with library services used by others. Children who become disruptive may be temporarily suspended or expelled from the Library at the Librarian’s discretion.

## 5. Unattended Children

5.1. If a child is left unattended, the following procedures will be enacted:

- 5.1.1. Staff will stay with the child as they try to locate the responsible person on the premises or by phone.
- 5.1.2. When this person is located, Staff will explain the policy regarding children unsupervised 10 years and under.
- 5.1.3. If the responsible person is not located or if the library is within 15 minutes of closing, the police will be notified and asked to pick up the child. Staff will remain with the child in the building until the parent or police arrive.

# Volunteer Policy

## 1. Purpose

1.1. The Nancy Carol Roberts Memorial Library (“NCRML”) welcomes and encourages the public to volunteer their time and talents to serve the Library. The Volunteer Program is designed to expand and enhance public service to the community. Volunteers may provide support service to staff, work on special projects or events, assist with computers, or assist with programming.

## 2. Conduct

2.1. Volunteers are expected to act in accordance with the Library policies and reflect a positive attitude toward all patrons. All transactions must be kept confidential.

## 3. How to Become a Volunteer

- 3.1. Complete and return a volunteer application.
- 3.2. Receive a tour, introduction to staff, and a copy of the Volunteer Policy.
- 3.3. Receive job orientation and training.
- 3.4. Sign in and out of each shift.

## 4. Dress

4.1. Volunteers must wear their volunteer badge while working. Appropriate dress is casual office attire which excludes shorts above the knee.

## 5. Health and Safety

5.1. Please notify a member of the Library Staff of any injury, whether minor or serious, that occurs while volunteering. Please notify a member of the Library Staff if any assignment is causing you physical discomfort.

## Fee Schedule

### Library Cards

Library Card.....	No Charge
Suggested Donation for Out of County Library Cards.....	\$10.00
Replacement Card.....	\$ 2.00

### Fines

Fines Per Day Per Item.....	\$ 0.10
Maximum Fine and Account Suspended.....	\$ 5.00

### Lost and Damaged Library Materials

Books, Audio, Videos, Etc.....	Cost of Item
Processing Fee for Items .....	\$5.00

### Printing

Desktop Print.....	\$0.25
Wireless Print.....	\$0.25
Copier Print Black and White.....	\$0.10
Copier Print Color.....	\$0.25
Microfilm Print.....	\$0.25

### Fax and Scan

Faxing Fees Will Be Determined By Vendor

Incoming Fax.....	\$1.00 Per Page
Scan.....	No Charge

### Interlibrary Loans

Postage and Handling.....	\$3.00
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## AGENDA ITEM 9

<b>DATE OF MEETING:</b> December 1, 2016	<b>DATE SUBMITTED:</b> November 17, 2016	
<b>DEPT. OF ORIGIN:</b> Public Works	<b>SUBMITTED BY:</b> Dane Rau	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 <sup>ST</sup> READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 <sup>ND</sup> READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
<b>AGENDA ITEM DESCRIPTION:</b> Discuss and Possibly Act Upon Change Order No. 1 and Authorization of Final Payment to Collier Construction Co. for the Hohlt Park Trail Reconstruction, and Authorize the Mayor to Execute Any Necessary Documentation		
<b>SUMMARY STATEMENT:</b> Collier Construction has completed the Hohlt Park trail reconstruction that was caused by the May storm. The scope of work included the demolition of the old trail, addition of new crushed granite, galvanized hot-dipped metal edging around the entire trail, erosion control and compaction testing. All these items were accomplished with the overall goal of bringing the original trail back to its 6' wide surface while also meeting the ADA regulations.  The project involved (1) change order which was the pedestrian bridge behind the Amphitheatre. This would have been part of the original scope of work but due to the geotechnical report not meeting the bid deadline the stabilization work on this structure had to be handled through a change order. This work consisted of erosion control, addition of cement, soil retention blanket and re-seeding the area to maintain a structurally sound pedestrian bridge. The value of this change order was an addition of \$4,987.00.  With Change Order No. 1 final reconstruction costs was \$149,187.00. The total base bid awarded to Collier Construction was \$144,200.00.		
<b>STAFF ANALYSIS (For Ordinances or Regular Agenda Items):</b>		
<b>A. PROS:</b> Trail was opened back up prior to November 1 <sup>st</sup> and all aspects were met. This will also be submitted to FEMA for possible 75% funding.		
<b>B. CONS:</b>		
<b>ALTERNATIVES (In Suggested Order of Staff Preference):</b>		
<b>ATTACHMENTS:</b> (1) Application for Payment No. 2 & Final; (2) Affidavit & Certification of Pay Application By Contractor; (3) Certificate of Substantial Completion; (4) Consent of Surety to Final Payment; and (5) Power of Attorney		

**FUNDING SOURCE (Where Applicable):** Potential FEMA Funding and General Fund Reserves

**RECOMMENDED ACTION:** Approve Change Order No. 1 and final payment to Collier Construction Co. in the amount of \$33,184.20 for the Hohlt Park Trail Reconstruction and authorize the Mayor to execute any necessary documentation

**APPROVALS:** Terry K. Roberts

**APPLICATION FOR PAYMENT NO.2 and FINAL**

TO OWNER: CITY OF BRENHAM, 200 WEST VULCAN, BRENHAM, TEXAS, 77833

FROM CONTRACTOR: COLLIER CONSTRUCTION CO., 1601 HWY 290 WEST, BRENHAM, TEXAS, 77833

PROJECT: HOHLT PARK TRAIL RECONSTRUCTION

STRAND PROJECT NO. 3900.044/049

CONTRACT AWARDED: August 18, 2016

PERIOD FROM: October 1, 2016

CONST. TIME ALLOTTED: 70

NOTICE TO PROCEED: August 31, 2016

PERIOD TO: October 28, 2016

TIME USED: 59

Item No.	Description	Contract Quantity	Completed Quantity			Unit Price	Total Value of Work Completed
			Previous Period	Current Period	Total		
1	Furnish all labor, materials, and equipment necessary to construct 6-foot decomposed granite trail improvements, including, but not limited to, demolition, erosion control, excavation, embankment, drainage, and decomposed granite trail	3,160 SY	2,844	316	3,160	\$ 21.00	\$ 66,360.00
2	Furnish and install 4" tall x 3/16" min. thickness hot-dipped galvanized edging along decomposed granite trail	9,390 LF	9,203	187	9,390	\$ 6.00	\$ 56,340.00
3	Furnish all labor, materials, and equipment necessary to clean and remove debris (sedimentation, tree branches, etc.) from all existing drainage structures along length of trail, including, but not limited to, bridges, drainage inlets, storm pipes, and safety end treatments	1 LS	0.70	0.30	1.00	\$ 6,000.00	\$ 6,000.00
4	Perform seeding in all disturbed ground areas outside of the 6-foot trail	1 LS	0	1	1	\$ 2,500.00	\$ 2,500.00
5	Prepare SWPPP and furnish and install all erosion control measures and obtain all associated permits for the construction of the utility improvements, included with these plans	1 LS	0.75	0.25	1.00	\$13,000.00	\$ 13,000.00
<b>CHANGE ORDER NO. 1</b>							
CO 1.1	Furnish all labor, materials, and equipment necessary to repair creek erosion at pedestrian bridge, including, but not limited to, soil retention blankets, topsoil, flowable fill, seeding, and watering, as included on the detail	1 LS	0	1	1	\$ 4,987.00	\$ 4,987.00

Original Contract: \$ 144,200.00  
 Plus Additions: \$ 4,987.00  
 Less Deductions: \$ -  
 Adjusted Contract: \$ 149,187.00

Value of Work Performed to Date \$ 149,187.00  
 Plus Materials Stored at Close of Period \$ -  
 Net Amt Earned to Date \$ 149,187.00  
 Less 10% Retainage \$ -  
 Subtotal \$ 149,187.00  
 Less Previous Pay Applications \$ 116,002.80  
**Amount Due this Application \$ 33,184.20**

**AFFIDAVIT & CERTIFICATION OF PAY APPLICATION BY CONTRACTOR**

STATE OF TEXAS  
COUNTY OF Washington

WHEREAS, the undersigned, Mike Collier, who being duly sworn, on oath, says that he is the legal representative of Collier Construction Co., has been employed by City of Brenham to furnish labor and materials for the installation of Hohlt Park Trail Reconstruction in Brenham, Texas.

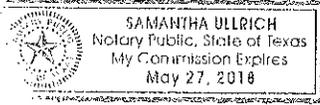
The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

BY: Mike Collier president DATE: 11-8-16  
COLLIER CONSTRUCTION COMPANY

PRINTED NAME: mike collier TITLE: president

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF November, 2016

Samantha Ullrich  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS.



RECOMMENDED BY: Jam Plein DATE: 11/11/16  
O'MALLEY STRAND ASSOCIATES, INC.

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
CITY OF BRENHAM

**CERTIFICATE OF SUBSTANTIAL COMPLETION**

Owner:	City of Brenham	Owner's Contract No.:	
Contractor:	Collier Construction Company	Contractor's Project No.:	
Engineer:	O'Malley Strand Associates, Inc.	Engineer's Project No.:	3900.049
Project:	Hohlt Park Trail Reconstruction	Contract Name:	

**This final Certificate of Substantial Completion applies to:**

All Work  The following specified portions of the Work:

Novemeber 8, 2016  
**Date of Substantial Completion**

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such-list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's responsibilities:  None  
 As follows:

Amendments to Contractor's responsibilities:  None  
 As follows:

The following documents are attached to and made a part of this Certificate: **Punch list**

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

<b>EXECUTED BY ENGINEER:</b>	<b>RECEIVED:</b>	<b>RECEIVED:</b>
By: <u><i>Jason Kern</i></u> (Authorized signature)	By: _____ Owner (Authorized Signature)	By: <u><i>Spate Collier</i></u> Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: <u>President</u>
Date: <u>11-8-2016</u>	Date: _____	Date: <u>11/8/16</u>

**CONSENT OF SURETY  
TO FINAL PAYMENT**

*AIA Document G707*

OWNER   
ARCHITECT   
CONTRACTOR   
SURETY   
OTHER

Bond No. 58S206852

TO OWNER:  
*(Name and address)*

City of Brenham  
200 West Vulcan  
Brenham, TX 77833

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: General Construction

PROJECT:  
*(Name and address)*

City of Brenham, Hohl Park Trail Reconstruction, Strand Project No. 3900.044

CONTRACT DATED: August 18, 2016

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
*(Insert name and address of Surety)*

Liberty Mutual Insurance Company  
13201 Northwest Freeway, Suite 810  
Houston, TX 77040-6080

, SURETY,

on bond of  
*(Insert name and address of Contractor)*

Collier Construction, LLC  
P. O. Box 1889  
Brenham, TX 77834-1889

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of  
any of its obligations to  
*(Insert name and address of Owner)*

City of Brenham  
200 West Vulcan  
Brenham, TX 77833

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: November 9, 2016  
*(Insert in writing the month followed by the numeric date and year.)*

Liberty Mutual Insurance Company

*(Surety)*

By:

*(Signature of authorized representative)*

Erica A. Cox

Attorney-in-Fact

*(Printed name and title)*

Attest:  
(Seal):



**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 6521584

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire; that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint: Edward D. Arens; Erica A. Cox; Jillian McKenzie; Michele M. Bonnin; Philip W. Baker

all of the city of The Woodlands, state of TX each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 8th day of April, 2014

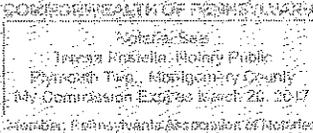
American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 8th day of April, 2014, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV - OFFICERS - Section 12. Power of Attorney.** Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

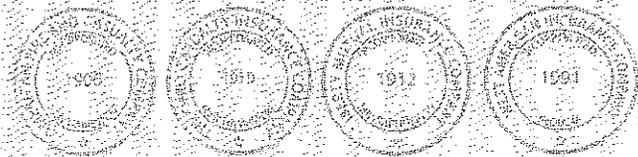
**Certificate of Designation -** The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization -** By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies; is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 9th day of November, 20 16

By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary



Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.