

TITUS COUNTY COMMISSIONER'S COURT

PUBLIC PARTICIPATION FORM

Instructions: Fill out all appropriate blanks. Please print or write legibly.

ACCORDING TO: THE RULES OF PROCEDURE, CONDUCT AND DECORUM AT MEETINGS OF THE TITUS COUNTY COMMISSIONERS' COURT SEC. IV. A., EACH MEMBER OF THE PUBLIC WHO APPEARS BEFORE THE COMMISSIONERS' COURT SHALL BE LIMITED TO A MAXIMUM OF FIVE (5) MINUTES TO MAKE HIS/HER REMARKS.

NAME: JUE EVENWEC

ADDRESS: 108 PRIVATE ROAD 1311

Please be specific and state the nature of the subject matter of the item (or items) you wish to address.

AMERICAN RESCUE PLAN 2021

Do you wish to make an inquiry under section 551.042 of the Open Meetings Act?

Signature: Jue Evenwec Date: 11/8/2021

NOTE: THIS PUBLIC PARTICIPATION FORM MUST BE PRESENTED TO THE COUNTY CLERK PRIOR TO THE TIME THAT THE AGENDA ITEM (OR ITEMS) YOU WISH TO ADDRESS ARE DISCUSSED BEFORE THE COURT.

THE WHITE HOUSE

WASHINGTON

T323 P1/0148615

NOTICE DATE: OCTOBER 8, 2021
NOTICE NUMBER: 1444-C (en-sp)



My fellow American,

On March 11, 2021, I signed into law the American Rescue Plan, a law that will help vaccinate America and deliver immediate economic relief to hundreds of millions of Americans, including you.

A key part of the American Rescue Plan is direct payments of \$1,400 per person for most American households. With the \$600 direct payment from December, this brings the total relief payment up to \$2,000. This fulfills a promise I made to you, and will help get millions of Americans through this crisis.

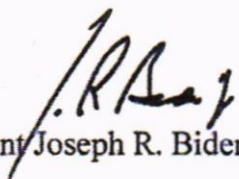
I am pleased to inform you that because of the American Rescue Plan, a direct payment of \$ 1,400.00 was issued to you by direct deposit. If you haven't received your payment within 7 days of receiving this letter, please check the status of the payment by visiting the IRS website or calling the IRS phone number listed at the bottom of this letter.

There may be other parts of the American Rescue Plan that will help you as well. For example, there is aid for small businesses, an expanded child tax credit for families, and resources to reopen our schools safely. The American Rescue Plan also extends unemployment insurance and helps reduce your health care premiums if you have a plan through the Affordable Care Act.

To learn more about this law and how it will work for you, please visit [wh.gov/arp](https://www.whitehouse.gov/arp).

When I took office, I promised the American people that help was on the way. The American Rescue plan makes good on that promise. This bill was passed to provide emergency relief to millions of Americans. I want to be sure you receive all the benefits that you are entitled to.

This has been a long, hard time for our nation. But I believe brighter days are ahead. We are on the path to vaccinating the nation. Our economy is on the mend. And our children will be back in school. I truly believe there is nothing we can't do as a nation, as long as we do it together.


President Joseph R. Biden Jr.

For information on your direct payment, please visit [IRS.gov/coronavirus](https://www.irs.gov/coronavirus) or call 800-919-9835.



KEN PAXTON

ATTORNEY GENERAL OF TEXAS

October 15, 2021

To all Texas state agencies:

On August 25, 2021, Governor Greg Abbott issued Executive Order GA-39, which states that “[n]o governmental entity can compel any individual to receive a COVID-19 vaccine.”¹ This order has “the force and effect of law” pursuant to the authority the Legislature vested in the Governor through the Texas Disaster Act.² In fact, on October 14, 2021, the Texas Supreme Court confirmed that GA-39 controls at both the state and local level, issuing a stay against San Antonio ISD’s vaccine mandate.³

Separately, President Biden recently issued a federal executive order⁴ directing federal departments and agencies to begin including a clause in federal “contract and contract-like instruments” specifying that contractors must comply with “workplace safety protocols” that would apply to “all covered contractor employees, including contractor or subcontractor employees.”⁵ These protocols will now include a requirement that covered employees receive a COVID-19 vaccination. Thus, President Biden’s order potentially conditions the continuation of federal funding on your agency’s cooperation in compelling your employees to receive a COVID-19 vaccination.

¹ See Executive Order GA-39, issued August 25, 2021, available at: https://gov.texas.gov/uploads/files/press/EO-GA-39_prohibiting_vaccine_mandates_and_vaccine_passports_IMAGE_08-25-2021.pdf. Governor Abbott has since issued Executive Order GA-40, which states that “[n]o entity in Texas can compel receipt of a COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19[.]” See Executive Order GA-40, issued October 11, 2021, available at: https://gov.texas.gov/uploads/files/press/EO-GA-40_prohibiting_vaccine_mandates_legislative_action_IMAGE_10-11-2021.pdf. However, GA-40 states that it does not supersede GA-39, which explicitly addresses governmental entities.

² Tex. Gov’t Code §§ 418.011–.012; see also *State v. El Paso Cty.*, 618 S.W.3d 812 (Tex. App.—El Paso 2020, no pet.).

³ *In re State*, No. 21-0873 (attached herein).

⁴ Exec. Order No. 14,042, 86 Fed. Reg. 50,985 (Sept. 14, 2021), available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/>.

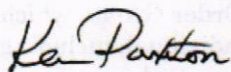
⁵ Safer Fed. Workforce Task Force, COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors (September, 24, 2021), available at: https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf.

Since this order was issued, several state agencies have contacted my office for guidance concerning compliance with both state law and the mandates that will flow from President Biden's executive order. My position is this: the Texas Attorney General has a constitutional and statutory responsibility to uphold state law. This obligation does not diminish in the face of federal overreach. On the contrary, my office is charged with a duty to vindicate Texas' laws and interests when the federal government intrudes on the sovereignty of our State or the liberties of the millions of people who call Texas home. Accordingly, I must—and will—take legal action against the federal government to protect Texas state agencies and their employees from COVID-19 vaccination mandates.

I understand that many state agencies receive federal funding through contractual and quasi-contractual agreements with the federal government. In some cases, federal money pays the salaries of your employees, and you now face the difficult decision of violating state law or potentially losing federal funding. We will defend the State of Texas and its dedicated public servants from this federal overreach, and we hope that your agency will stand with us. We did not choose this fight, but we will fight back to uphold the Constitution and the laws of the State of Texas. We will support any agency that follows state law and seeks to resist the repressive funding conditions being unlawfully imposed by President Biden, but we note that any violation of state law may expose your agency and its principals to liability.

We appreciate that yours is a difficult situation, forced upon you by a coercive federal government that has threatened the very existence of many of our institutions. Rest assured, we will always stand for Texas—we hope that you will do the same.

For Texas,



KEN PAXTON
Attorney General

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: [Recipient to provide]	DUNS Number: [Recipient to provide] Taxpayer Identification Number: [Recipient to provide] Assistance Listing Number: 21.027
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

Authorized Representative:

Title:

Date signed:

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.