



Item #1

TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767

May 26, 2008

MEMORANDUM

TO: Member's of the Commissioners Court

FROM: Joseph P. Gieselman, Executive Manager, TNR

SUBJECT: Title 30 Amendments

Proposed Motion: CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENTS TO TITLE 30, TRAVIS COUNTY/CITY OF AUSTIN SUBDIVISION REGULATIONS

Summary and Staff Recommendation

The Commissioner's Court set a public hearing on August 5, 2008 to receive testimony regarding two proposed changes to Title 30. The first code amendment pertains to the Critical Water Quality Zone and the Colorado River Buffer. The second code amendment pertains to public notification. The City of Austin initiated the proposed Colorado River Buffer code amendment and has already adopted this standard inside their corporate limits. The proposed public notification code amendment is being initiated by Travis County. Title 30 code amendments have to be approved by both Travis County and the City of Austin prior to being included in Title 30.

Notification of the public hearing was published in the July 6, July 20 and August 3 Austin American Statesman. TNR staff has responded to information requests and has received supportive comments regarding the proposed code changes.

The proposed amendments are as follows:

Critical Water Quality Zone §30-5-92

This proposed amendment would change the way the Critical Water Quality Zone (CWQZ) is measured and create additional buffer area along the Colorado River. Currently the CWQZ is measured from the centerline of the river. The code amendment proposes that the CWQZ be measured from the ordinary high water

mark. The inland boundary of the CWQZ will coincide with the boundary of the 100 year Federal Emergency Management Agency (FEMA) flood plain and be not less than 200 feet and not greater than 400 feet.

The City of Austin initiated this code amendment in an attempt to protect the physical and ecological integrity of the Colorado River and to preserve recreational and economic values of the Colorado River. The stated benefits of the ordinance are to provide water quality protection; to protect river bank integrity; to prevent the loss of property from erosion; to preserve riparian habitat and the historic character of the river; to create potential recreation and trail opportunities.

Staff is working with the City of Austin amend Title 30 Section 5 so that public jurisdictions with recreational facilities along the Colorado River can have parking facilities in the CWCZ.

Public Notification

Public notification has been problematic in the City of Austin extra territorial jurisdiction (ETJ). Citizens have raised concerns that they are not receiving notification and, if they did receive notification it does not contain much information about what uses are proposed in the development.

Currently Title 30 calls for public notification if a preliminary plan is filed, variances for final plats, and for site plans. This notice is sent to homeowners within 300 feet of the proposed application, registered Home Owner and Environmental Associations, and people within 500 feet that register as interested parties. This current notice does not detail the proposed uses in the development. If the applicant is requesting a variance for a final plat notification is sent and a notice is placed in the newspaper.

As a result of the Travis County – City of Austin 1445 Interlocal Agreement when a plat requires public notification the Single Office sends one notice detailing meeting dates at both the City of Austin Zoning and Platting board and at the Travis County Commissioners Court. Prior to relying on this joint notification Travis County placed notification in the newspaper and a sign on lots that were being resubdivided and replatted. In some instances, depending on plat vacation elements, the County also sent notification to everyone in the original subdivision.

Earlier this year the City of Austin amended the public notification requirement inside their corporate city limits to make them more inclusive. Inside the corporate city limits notification letters are sent to homeowners and renters (who use Austin utilities) 500 feet from proposed developments. This proposed amendment would mirror the notification requirements inside the corporate limits of the City of Austin. The other proposed code changes would require the applicant to state the specific non-residential use on the notification letter and require notification signs for certain actions such as resubdivisions and replats.

Issues and Opportunitites

Critical Water Quality Zone §30-5-92

The City of Austin has stated that there is a minimal overall impact to property. The impact of increasing buffers along the Colorado River would increase the CWCZ from thirteen percent to seventeen percent. Sand and gravel properties would lose about four percent of land available for mining. Existing sand and gravel operations would be grandfathered from the expanded buffer zone. There would be limited impact to other users due to the existing floodplain. Ninety-one percent of the proposed buffer area is in the existing 100 year FEMA floodplain. Additionally, the City has a variance process for property owners to redress disproportionate impacts from the new buffer.

Expanding the CWQZ could have an adverse impact on Travis County if the County builds new parks along the Colorado River. There are certain uses (such as parking) that are not currently permitted in the CWCZ. Travis County recommends that the environmental code section of Title 30 that allows certain uses in the CWQZ be expanded to include the Colorado River.

It is the responsibility of City of Austin staff to conduct environmental reviews and administering Section Five of Title 30 in the City of Austin extra territorial jurisdiction (ETJ). This division of review authorities was laid out in the Travis County – City of Austin 1445 Interlocal Agreement. City of Austin staff would administrate this proposed code amendment.

Budget and Fiscal Impact:

Colorado River Buffer

None

Public Notification

Travis County will be responsible for making and putting up the public notification signs.

Required Authorizations:

County Attorney's Office - Chris Gilmore

Exhibits:

Proposed Amendments to Chapter 30, Commissioners Court Orders

JG:ab 1105

Public Notification

ARTICLE 7. INTERESTED PARTIES AND NOTICE.

§ 30-1-151 APPLICABILITY.

This article applies to an application to be considered by a city board or commission or the city council.

Source: City/County subdivision agreement.

§ 30-1-152 INTERESTED PARTIES.

(A) An interested party is a person who has an interest in a matter that is the subject of a public hearing or administrative decision. A person has an interest if the person:

(1) is the applicant or the record owner of property that is the subject of a public hearing or administrative decision; or

(2) communicates an interest in a matter; and

(a) utility service addresses located within 500 feet of the site of the proposed development, as shown in the City utility records as of the date of the filing of the application;

~~occupies a primary residence that is within 500 feet of the site of the proposed development;~~

(b) is the record owner of property within 500 feet of the site of the proposed development; or

(c) is an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

(B) A person communicates an interest in a matter that is the subject of a public hearing by:

(1) delivering a written statement that generally identifies the issues of concern to the body conducting the hearing, either before or during the public hearing; or

(2) appearing and speaking for the record at the public hearing.

(C) A person communicates an interest in a matter that is the subject of an administrative decision by delivering a written statement to

the single office or by making telephone contact with the single office. The communication must:

- (1) generally identify the issues of concern;
- (2) include the person's name, telephone phone number, and mailing address;
- (3) be delivered before the earliest date on which action on the application may occur; and
- (4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Source: City Code Section 25-1-131.

§ 30-1-153 NOTICE OF PUBLIC HEARING.

(A) For a notice required to be given under this subsection, the single office shall give notice of a public hearing before a board or commission by mailing notice not later than the 11th day before the date of the hearing to:

- (1) the applicant;
- (2) utility service addresses located within 500 feet of the site of the proposed development, as shown in the City utility records as of the date of the filing of the application;
- (3) a notice owner of property located within 500 ~~300~~ feet of the subject property;
- (4) registered environmental or neighborhood organization whose declared boundaries are within 500 feet of the site of the proposed development; and
- (5) a party to an appeal.

(B) For a notice required to be given under this subsection, the single office shall give notice of a public hearing before the council by:

- (1) publishing notice not later than the 16th day before the date of the public hearing; and
- (2) mailing notice not later than the 16th day before the date of the hearing to:

- (a) the applicant;
 - (b) utility service addresses located within 500 feet of the site of the proposed development, as shown in the City utility records as of the date of the filing of the application;
 - (c) a notice owner of property located within 500 ~~300~~ feet of the subject property;
 - (d) a neighborhood organization; and
 - (e) a party to an appeal.
- (C) For a notice required to be given under this subsection, the single office shall give notice of a public hearing before a board or commission or the council by:
- (1) mailing notice to a neighborhood organization not later than the 11th day before the date of a hearing scheduled before a board or commission and not later than the 16th day before the date of a hearing scheduled before the council; and
 - (2) publishing notice not later than the 16th day before the date of a hearing before the council.
 - (3) posting a sign on the property stating the date and time of the public hearing
- (D) This subsection applies to public hearings on two or more matters related to the same property or development.
- (1) One notice may be provided if the hearings are scheduled:
 - (b) on the same date before the same body; or
 - (c) before two or more bodies not later than the 45th day after the date of a notice.
 - (2) The single office shall provide notice not later than the date the earliest notice is required.
- (E) Notice provided under this section must:
- (1) generally describe the subject matter of the public hearing;
 - (2) identify the applicant and the location of the subject property;

- (3) identify the body holding the public hearing and the date, time, and place of the public hearing;
- (4) if the decision of the body holding the public hearing may be appealed, describe the procedure and requirements for an appeal; and
- (5) include the address and telephone number of the office from which additional information may be obtained.

§ 30-1-154 NOTICE OF APPLICATIONS AND ADMINISTRATIVE DECISIONS.

- (A) For notice required to be given under this subsection, the single office shall mail notice including a description of the project not later than the 14th day after the filing of an application to the:
- (1) applicant;
 - (2) utility service addresses located within 500 feet of the site of the proposed development, as shown in the City utility records as of the date of the filing of the application;
 - (3) notice owner of real property located within 500 ~~300~~ feet of the subject property; and
 - (4) neighborhood organization.

Colorado River Buffer

Section 30-5-92 (*Critical Water Quality Zones Established*) of the City Code is amended to add a new Subsection (C) to read as follows and reletter existing Subsection (C) as Subsection (D):

(C) Critical water quality zones are established along and parallel to the shorelines of the Colorado River downstream of Town Lake.

- (1) The shoreline boundary of a critical water quality zone coincides with the river's ordinary high water mark, as defined by Code of Federal Regulations Title 33, Section 328.3 (*Definitions*).
- (2) The inland boundary of a critical water quality zone coincides with the boundary of the 100-year floodplain as delineated by the Federal Emergency Management Agency, except that the width of the critical water quality zone, measured horizontally inland, is not less than 200 feet and not more than 400 feet.

ORDER OF THE TRAVIS COUNTY COMMISSIONERS COURT

WHEREAS, Travis County and the City of Austin, in fulfillment of the requirements of Chapter 242, Local Government Code, relating to the joint regulation of subdivisions in the city's extraterritorial jurisdiction (ETJ), adopted into their respective codes Title 30, Austin/Travis County Code relating to plats, subdivision construction plans, and subdivision of land in the ETJ, which took effect on December 22, 2003; and

WHEREAS, Travis County and the City of Austin now desire to amend certain provisions of Title 30 relating to the public notification requirements by adopting the attached Section 30-1-151, Section 30-1-152, Section 30-1-153, and Section 30-1-154; and

WHEREAS, newspaper notice was published of the proposed amendments to Title 30 of the Travis County Code on July 6, July 20 and August 3, 2008, as required by law;

NOW, THEREFORE, in continued fulfillment of the requirements of Chapter 242, Local Government Code, the Travis County Commissioners Court by this order hereby adopts Section 30-1-151, Section 30-1-152, Section 30-1-153, and Section 30-1-154 of Title 30 of the Travis County Code that are attached hereto. These amendments shall take effect on the effective date specified in a City of Austin ordinance enacting these amendments.

ORDERED the ____ day of _____ 2008.

TRAVIS COUNTY COMMISSIONERS COURT

Samuel T. Biscoe, County Judge

Ron Davis
Commissioner, Precinct One

Sarah Eckhardt
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four

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Margaret Gómez
Commissioner, Precinct Four

TAKINGS IMPACT ASSESSMENT:

REVISION OF TRAVIS COUNTY FLOODPLAIN REGULATIONS

This takings impact assessment is prepared using the series of questions in the Private Real Property Rights Preservation Act Guidelines (“Guidelines”) promulgated by the Attorney General’s Office under Ch. 2007, GOVT. CODE ANN. (“the Act”). The proposed action is Travis County’s adoption of revisions to its floodplain management regulations, Chapter 64 of the Travis County Code. Some of the revisions are substantive, and some of them are procedural.

Guidelines Question 1: Is Travis County a governmental entity covered by the Act?

Yes.

Guidelines Question 2: Is the proposed action covered by the Act?

All of the amendments are exempt from the Act. The amendments are exempt under the following provisions of the Guidelines or the Act for the reasons indicated:

a. §2.18 of the Guidelines.

The procedural amendments and many of the substantive amendments impose no new burden on private real property. To the extent the amendments impose no new burden on private real property, the amendments are not subject to the requirement in §2007.042 to perform a takings impact assessment.

b. §2007.003(b)(11)(A) of the Act.

The revisions to the County’s floodplain regulations are exempt under §2007.003(b)(11)(A) because they regulate construction in legally designated floodplains.

c. §2007.003(b)(4) of the Act

The substantive and procedural amendments are exempt under §2007.003(b)(4) of the Act because they are actions reasonably taken to fulfill obligations mandated by state and federal law. Subchapter I of Chapter 16 of the Water Code contains a mandate from the Texas Legislature that each city and county in the state adopt appropriate orders necessary for the city or county to be eligible to participate in the National Flood Insurance Program. TEX. WATER CODE §16.3145. The Texas Legislature authorized all political subdivisions to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program to ensure that flood insurance is available to all residents of the County. The County is revising its floodplain management regulations (1) to ensure that they meet the minimum regulatory standards imposed by the Federal Emergency Management

Agency (“FEMA”) for effective floodplain management, and (2) to clarify them so that they are easier to understand and follow.

c. §2007.003(b)(5) of the Act.

The substantive and procedural amendments are exempt under §2007.003(b)(5) because they simply modify regulations that provide a unilateral expectation that does not rise to the level of a recognized interest in real property.

d. §2007.003(b)(13) of the Act.

The substantive and procedural amendments are exempt under §2007.003(b)(13) because the amendments respond to real and substantial threats to public health and safety, significantly advance that purpose, and do not impose a greater burden than is necessary. The purpose of the amendments is to promote public health, safety, and general welfare through the enactment of floodplain management regulations designed to reduce the likelihood that land use within the County will increase the dangers of flooding. Because they include measures that FEMA has determined will help to reduce flood damage, they respond to a substantial threat in a way that substantially advances public safety without imposing unnecessary burdens.

Guidelines Questions 3 and 5: Does the proposed action result in a burden on private real property as that term is defined in the Act? How does it burden private real property?

Each flood-prone community must meet the floodplain management standards set forth by FEMA in order for the residents of that community to be eligible to obtain insurance through the National Flood Insurance Program. The proposed amendments to Chapter 64 of the Travis County Code clarify the standards for land use and development in floodplains to ensure minimum compliance with floodplain management criteria so that Travis County residents will continue to remain eligible for flood insurance. Travis County has been regulating development in floodplains for more than two decades

Guidelines Questions 4 and 6: What is the specific purpose of the proposed action? How does it benefit society?

The flood hazard areas of Travis County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inappropriately placed and/or inadequately elevated, floodproofed, or protected from flood damage.

The purpose of the substantive and procedural amendments is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in Travis County through the establishment of comprehensive regulations for management of flood hazard areas designed to:

- A. protect human life and health;
- B. minimize expenditure of public money for costly flood-control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- I. enable Travis County to qualify for the National Flood Insurance Program so that property owners may obtain federally subsidized flood insurance for structures.
- J. Encourage use of flood plain lands in accordance with their natural function as bearers of flood waters.

Guidelines Question 7: Will the proposed action constitute a taking?

Even if the amendments are not exempt, they do not constitute a taking. The amendments do not eliminate all viable uses of any private real property.

Guidelines Question 8: Are there reasonable alternatives to the proposed action that would accomplish its purpose?

An alternative to the amendments would be to leave unchanged the current provisions of Chapter 64 and risk the eligibility of Travis County residents to obtain coverage through the National Flood Insurance Program.

On March 26, 2008, FEMA issued a letter of final flood elevation determination to Travis County to inform the County that FEMA had completed its Flood Insurance Study (“FIS”) and re-evaluation of flood hazards in Travis County and will be issuing anew Flood Insurance Rate Map (“FIRM”). FEMA’s letter states that

“[p]rior to September 26, 2008, your community is required as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM.”

FEMA’s letter further stated that all standards set forth in 60.3(d) must be enacted in a legally enforceable document, including adoption of the current effective FIS and FIRM, and any additional requirements for eligibility can be met by:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Travis County Commissioners' Court Agenda Request

Meeting Date: August 1, 2008

I. A. Requestor: County Judge Phone # 854-9555

B. Specific Agenda Wording:

CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY.

C. Sponsor: _____
County Commissioner or County Judge

II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request.

B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request.

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any line item budget
- Grant

Human Resources Department (854-9165)

- A change in your department's personnel (reclassifications, etc.)

Purchasing Office (854-9700)

- Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- Contract, Agreement, Travis County Code - Policy & Procedure

RECEIVED
COUNTY CLERK'S OFFICE
09 JUL 29 PM 2:12

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to County Judge's office, Room 520, in writing by Tuesdays at 12:00 p.m. for the next week's meeting. Late or incomplete requests may be deferred to the following week's meeting.

COUNTY OF TRAVIS §
 §
STATE OF TEXAS §

**ORDER PROHIBITING
OUTDOOR BURNING**

WHEREAS, Section 352.081 of the Local Government Code provides that the commissioners court of a county by order may prohibit outdoor burning in the unincorporated area of the county if the commissioners court makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and,

WHEREAS, the Travis County Commissioners Court does hereby find that circumstances present in all of the unincorporated area of Travis County create a public safety hazard that would be exacerbated by outdoor burning;

NOW, THEREFORE, it is ORDERED that outdoor burning is prohibited in all of the unincorporated areas of Travis County as follows:

- (1) Actions prohibited:
 - (a) A person violates this order if he/she burns any combustible material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning by others.
 - (b) A person violates this order if he/she engages in any activity outdoors which could allow flames or sparks that could result in a fire unless done in an enclosure designed to protect the spread of fire, or orders such activities by others.

- (2) Enforcement:
 - (a) Upon notification of suspected outdoor burning, the fire department with jurisdiction for the location of the fire shall respond to the scene and take immediate measures to contain and/or extinguish the fire.
 - (b) As soon as possible, a duly commissioned peace officer shall be sent to the scene to investigate the nature of the fire.
 - (c) If, in the opinion of the officer on the scene, the goal of this order can be attained by informing the responsible party about the prohibitions established by this order, the officer may, at his or her discretion, request compliance with it. In such instances, an entry of this notification containing the date, time and place of the warning, along with the name of the party receiving the warning, shall be forwarded to the office of County Judge.
 - (d) In accordance with Section 352.081 of the Local Government Code, a person who knowingly or intentionally violates this order commits a Class C Misdemeanor, punishable by a fine up to \$500.

- (3) This order does not apply to outdoor burning activities:
 - (a) related to public health and safety that are authorized by the Texas Commission on Environmental Quality for:
 - (A) firefighter training;
 - (B) public utility, natural gas pipeline, or mining operations; or

- (C) planting or harvesting of agriculture crops.
- (b) that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code.
- (c) that involve the performance of **outdoor** combustible operations, including but not limited to, outdoor welding, cutting or grinding operations and outdoor hot works operations, by any person (i) if the Travis County Fire Marshal has issued a permit for the welding or hot works operations in compliance with the Fire Code or (ii) if the operations are performed in compliance with the following requirements creating a controlled environment and safeguards on each day when operations are performed:
 - (A) Areas where welding, cutting or grinding operations or hot works operations are being performed are free of vegetation for at least twenty-five feet in all directions;
 - (B) Surfaces around welding or hot works area are wetted down;
 - (C) Each location where welding, cutting or grinding operations or hot works operations are being performed must have cellular telephone communications for emergency response;
 - (D) Before beginning any operations, the person performing the welding, cutting or grinding operations or hot works operations must notify the local fire department or Emergency Services District which serves the location where the welding, cutting or grinding operations or hot works operations are planned.
 - (E) A dedicated fire watch person attends each welder, cutter, grinder, or worker performing hot works operations or any activity that causes a spark;
 - (F) At least one (1) water pressure fire extinguisher per fire watch person is located within 10 feet of the location where welding, cutting or grinding operations or hot works operations are being performed;
 - (G) No welding, cutting or grinding operations or hot works operations is allowed on days designated as red flag warning days by the National Weather Service;
 - (H) If all welding, cutting and grinding operations or hot works operations are performed only in a total welding or hot works enclosure, or "welding box" or "hot works box", that is sufficiently high to control sparks, including a fire retardant cover over the top, the operations must comply with requirements E, F, and G in this list and is encouraged to comply with requirements A-D inclusive, if feasible and appropriate, and;
 - (I) If all welding, cutting and grinding operations or hot works operations are performed only in sub-surface, or "bell hole", welding and grinding operations or hot works operations within approved excavations, the operations must comply with requirements E, F, and G in this list and is encouraged to comply

with requirements A-D inclusive, if feasible and appropriate.

Be it also ORDERED that the purpose of this order is the mitigation of the public safety hazard posed by wild fires during the current dry weather by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

This order prohibiting outdoor burning shall expire on September 3, 2008 or upon such date as the Travis County Commissioners Court by order determines that the circumstances present in the unincorporated areas of Travis County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

ORDERED THIS 5TH DAY OF AUGUST 2008.

TRAVIS COUNTY COMMISSIONERS COURT

By: _____
Samuel T. Biscoe, County Judge

3

Travis County Commissioners Court Agenda Request

Voting Session: August 5, 2008
(Date)

Work Session: _____
(Date)

I. A. Request made by: Sherri E. Fleming Phone: 854-4100
(Signature of Elected Official/Appointed Official/Executive Manager/County Attorney)

B. Requested Text:

Consider and take appropriate action on the following items related to the Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD):

- A. Request to accept comments received during the 30 day public comment period on the proposed usage of CDBG funds.
- B. Request to approve final draft of Travis County Program Year 2008 Annual Action Plan.
- C. Request to approve the Substantial Amendment to the Program Year 2006 Annual Action Plan.
- D. Request to authorize submission of the 1) Program Year 2008 Annual Action Plan and 2) Substantial Amendment of Program Year 2006 Action Plan to the U.S. Department of Housing and Urban Development, San Antonio Field Office, Region VI.

C. Approved by: _____
Signature of Commissioner(s) or County Judge

Signature of Commissioner(s) or County Judge

II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request
(Original and eight copies)

B. Please list all of the agencies or officials' names and telephone numbers that might be affected or be involved with the request. Send a copy of this Agenda Request and backup to them:

- | | |
|--|---------------------------------|
| Rodney Rhoades, PBO | Jason Walker, Purchasing |
| Travis Gatlin, PBO | Joe Gieselman, TNR |
| Susan A. Spataro, Auditor's Office | DeDe Bell, Auditor's Office |
| Mary Etta Gerhardt, County Attorney's Office | Cyd Grimes, Purchasing |
| Lee Turner, TNR | Steven Manilla, TNR |
| Jessica Rios, TNR | Cynthia McDonald, TNR |
| Jeff Hauff, TNR | Kathleen Haas, HHS/VS |
| Andrea Colunga-Bussey, HHS/VS | Jane Prince-Maclean, HHS/VS |
| Chris Gilmore, County Attorney's Office | Janice Cohoon, Auditor's Office |
| Kimberly Walton, Auditor's Office | Nancy Goodman Gil, HHS/VS |

III. Required Authorizations: Please check if applicable.

Planning and Budget Office (854-9106)

- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any line item budget
- Grant

Human Resources Department (854-9165)

A change in your department's personnel (reclassifications, etc.)

Purchasing Office (854-9700)

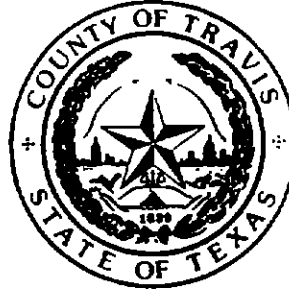
Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

Contract, Agreement, Policy & Procedure

08 JUN 29 PM 4:04
RECEIVED
COUNTY CLERK

AGENDA REQUEST DEADLINE: This Agenda Request, complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 PM on Tuesday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.



**TRAVIS COUNTY HEALTH and HUMAN SERVICES
and VETERANS SERVICE
100 North I.H. 35
P. O. Box 1748
Austin, Texas 78767**

**Sherri E. Fleming
Executive Manager
(512) 854-4100
Fax (512) 854-4115**

DATE: July 29, 2008

TO: MEMBERS OF THE COMMISSIONERS COURT

FROM: *Sherri E. Fleming*
Sherri E. Fleming, Executive Manager
Travis County Health and Human Services and Veterans Service

SUBJECT: Community Development Block Grant Program (CDBG)

Proposed Motion:

Consider and take appropriate action on the following items related to the Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD):

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- B. Request to approve final draft of Travis County Program Year 2008 Annual Action Plan.
- C. Request to approve the Substantial Amendment to the Program Year 2006 Annual Action Plan.
- D. Request to authorize submission of the 1) Program Year 2008 Annual Action Plan and 2) Substantial Amendment of Program Year 2006 Action Plan to the U.S. Department of Housing and Urban Development, San Antonio Field Office, Region VI.

Summary and Staff Recommendations:

- A. A 30 day public comment period was held to receive comments on the proposed uses of funds for the Program Year 08 (PY08) Action Plan and the Substantial Amendment to the PY06 Action Plan. During the comment period, held from June 25, 2008 through July 26, 2008, staff received 3 public comments. Staff recommends inclusion of all the comments into both documents as all comments align with the goal and objectives set in the 2006-2010 Consolidated Plan strategic direction. A summary of the public comments is attached as Exhibit A in this memorandum.
- B. Staff recommends the approval of the final draft of Travis County PY08 Annual Action Plan. From the last draft presented to the Court on June 28, 2008, staff made grammatical and wording changes to improve clarity and readability. Staff recommends accepting these editing changes.

Staff also recommends accepting the addition of an appendix that presents the income eligibility requirements from HUD which will allow readers to understand the income levels households must fall under to qualify for the grant. The income limits are provided for reference purpose only as they are updated by HUD on an annual basis and only the most current limits are used when determining program eligibility. The added appendix can be found in the attached final draft of the PY08 Action Plan in Appendix A.

- C. Staff recommends the approval of the final draft of the Substantial Amendment to the Program Year 2006 Annual Action Plan. From the last draft presented to the Court on June 28, 2008, the changes include the addition of the public comments received during the 30- day public comment period and the maps outlining the area of benefit for the Lava Lane project. The maps can be found in the attached final draft of the PY06 Substantial Amendment in Appendix B.
- D. Staff recommends the authorization of the submission of the PY08 Annual Action Plan to the U.S. Department of Housing and Urban Development, San Antonio Field Office, Region VI. Approving the submission of the Annual Action Plan to HUD provides the opportunity to move forward with the grant, accepting CDBG funds for the third consecutive year. The approval will increase the County's funding by \$833,133 permitting the expansion of housing, community, and economic developments in the unincorporated areas of Travis County. The Standard Form 424, which must be signed by the County Judge, is attached.

Staff recommends authorization to submit the substantial amendment to the Program Year 2006 Action Plan to the U.S. Department of Housing and Urban Development, San Antonio Field Office, Region VI. Approving the submission of the amendment to HUD provides the opportunity for the County to 1) move forward with reprogramming and expending the funds from Program Year 2006

and 2) more effectively comply with HUD timeliness ratios. A revised Standard Form, 424 which must be signed by the County Judge, is attached.

Budgetary and Fiscal Impacts:

- A. Not Applicable.
- B. Not Applicable.
- C. Not Applicable.
- D. The funding of recommended projects for Program Year 2008 follows the allocation guidelines established by HUD. No matching funds are required, however the County has elected to fund CDBG personnel costs with Travis County General funds dollars to maximize the amount of HUD CDBG funds directly benefitting the community. Staff anticipates that the grant funds will be available by mid-October 2008. The annual contract period is from October 1st through September 30th.

Approving the submission of the PY08 Annual Action Plan to HUD will increase the County's funding by \$833,133 permitting the expansion of housing, community, and economic developments in the unincorporated areas of Travis County.

Approving the submission of the substantial amendment to the PY06 Annual Action Plan to HUD provides the opportunity to move forward with reprogramming and expending of funds for Program Year 2006. Since current CDBG expenditures are below the 1.5 expenditure ratio thresholds, steps, such as the reprogramming of the funds, will allow the County to be in a better position to meet HUD timeliness requirements.

Background:

Under the provisions of Title 1 of the Housing and Community Development Act of 1974 (42 USC 5301), the Federal government sponsors a program that provides annual grants to cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, by expanding economic opportunities for low and moderate income persons.

The Court has previously directed Health and Human Services & Veterans Service as the department responsible for developing the county's Consolidated Plan.

Originally, Travis County was notified of an allocation estimated at \$2,449,337. The 2006-2010 Consolidated Plan was completed and approved in August of 2006 which acts as the application to HUD and outlines strategic direction for five years and the

specific allocation of dollars for the first year's funding. An annual action plan is due each August 15th.

In September of 2006, HUD informed Travis County of an error in the entitlement amount. The result was a reduction of funding to the amount of \$838,659. The 2006-2010 Consolidated Plan was disallowed and had to be amended. The amended 2006-2010 Consolidated Plan was approved in December 2006.

Currently, year one and two are being implemented.

cc: Andrea Colunga, HHS/VS
Carol Joseph, TNR
Christian Smith, PBO
Christofer Gilmore, County Attorney Office
Cyd Grimes, Purchasing
DeDe Bell, Auditor Office
Jane Prince-Maclean, HHS/VS
Janice Cohoon, Auditor Office
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Mary Etta Gerhardt, County Attorney Office
Rodney Rhoades, PBO
Steven Manilla, TNR
Susan Spataro, Auditor Office
Travis Gatlin, PBO

Exhibit A

Summary of Public Comments Contained within the Substantial Amendment to the PY06 Action Plan and the PY08 Action Plan

Summary of Citizen Comments on the Substantial Amendment

A total of three public comments were received on the draft of the PY 2006 Substantial Amendment. Two people testified at the July 1, 2008, public hearing. No one testified at the July 22, 2008, public hearing and one written comment was received during the 30- day public comment period.

A summary of the comments and interests include:

- *Continue to support the expansion of affordable housing in the community.*
- *Consider a lease purchase program to assist persons in building credit and accessing affordable housing.*
- *Consider funding the construction of the Lava Lane improvements after the design phase is complete.*
- *Consider funding the connections to water and the design and construction of a wastewater system for Plainview Estates.*

The Plainview Estates residents are included in the water/wastewater planning project for PY07 & PY08. Affordable housing expansion and street improvements are included in all three plan years thus far. All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan.



Travis County

Community Development Block Grant Program:

Improving the Affordability,
Accessibility and Sustainability
of Neighborhoods and
Community Services

Annual Action Plan for
Program Year 2008:
October 1, 2008 – September 30, 2009

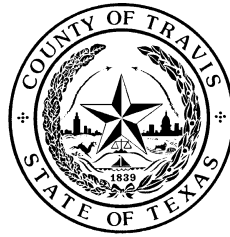


Prepared by Travis County Health & Human Services & Veterans Service

Drafted **076/01/2008**

Approved by TCCC _____

Approved by HUD _____



Travis County Commissioners Court

Samuel T. Biscoe
Travis County Judge

Ron Davis
County Commissioner, Precinct One

Sarah Eckhardt
County Commissioner, Precinct Two

Gerald Daugherty
County Commissioner, Precinct Three

Margaret Gómez
County Commissioner, Precinct Four

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Standard Form 424

Date Submitted		Applicant Identifier		Type of Submission	
Date Received by state		State Identifier		Application	
Date Received by HUD 8/13/08		Federal Identifier		Pre-application	
		746000192		<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Construction
				<input type="checkbox"/> Non Construction	<input type="checkbox"/> Non Construction
Applicant Information					
Name:		Travis County		UOG Code: TX489453	
Address:		P.O. Box 1748		DUNS Number: 030908842	
				Travis County Commissioners Court	
City: Austin		State: Texas		Health and Human Services	
Zip Code: 78767				Executive Manager's Office	
Employer Identification Number (EIN):			County: Travis		
74-6000192			Grant Start Date: 10/01/08		
Applicant Type:			Specify Other Type if necessary:		
Local Government: County					
Program Funding			U.S. Department of Housing and Urban Development		
Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding					
Community Development Block Grant			14.218 Entitlement Grant		
CDBG Project Titles Infrastructure Development to Support Affordable Housing, Owner Occupied Housing Rehabilitation, Public Services, Other: Social Work Services Expansion, Water/Wastewater Planning and Grant Administration.			Description of Areas Affected by CDBG Project(s) Unincorporated areas of Travis County		
\$CDBG Grant Amount 833,133		\$Additional HUD Grant(s) Leveraged \$77,956		Describe SHOP Funds through Habitat for Humanity	
\$Additional Federal Funds Leveraged			\$Additional State Funds Leveraged 0		
\$Locally Leveraged Funds \$483,730			\$Grantee Funds Leveraged \$138,002		
\$Anticipated Program Income 0			Other (Describe)		
Total Funds Leveraged for CDBG-based Project(s) \$699,688					
Home Investment Partnerships Program			14.239 HOME		
HOME Project Titles N/A			Description of Areas Affected by HOME Project(s)		
\$HOME Grant Amount		\$Additional HUD Grant(s) Leveraged		Describe	
\$Additional Federal Funds Leveraged			\$Additional State Funds Leveraged		
\$Locally Leveraged Funds			\$Grantee Funds Leveraged		

Draft of Travis County CDBG Program Year 2008 Action Plan

\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOME-based Project(s)			
Housing Opportunities for People with AIDS		14.241 HOPWA	
HOPWA Project Titles N/A		Description of Areas Affected by HOPWA Project(s)	
\$HOPWA Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOPWA-based Project(s)			
Emergency Shelter Grants Program		14.231 ESG	
ESG Project Titles N/A		Description of Areas Affected by ESG Project(s)	
\$ESG Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for ESG-based Project(s)			
Congressional Districts of:		Is application subject to review by state Executive Order 12372 Process?	
Applicant Districts 10,21 and 25	Project Districts 10, 21 and 25		
Is the applicant delinquent on any federal debt? If "Yes" please include an additional document explaining the situation.		<input checked="" type="checkbox"/> Yes	This application was made available to the state EO 12372 process for review on DATE 8/15/08
		<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Program is not covered by EO 12372
			Program has not been selected by the state for review

Person to be contacted regarding this application		
First Name: Samuel	Middle Initial: T	Last Name: Biscoe
Title: County Judge	Phone: 512/854-9555	Fax: 512/854-9535
Email: Sam.Biscoe@co.travis.tx.us	Website: www.co.travis.tx.us	Other Contacts: Sherri E. Fleming and Christy Moffett P: 512/854-4100 F: 512/854-4115
Signature of Authorized Representative		Date Signed

Introduction

The Community Development Block Grant (CDBG) initiative is a federal grant program administered by the U.S. Department of Housing and Urban Development (HUD). The program provides annual grants to cities and counties to carry out a variety of community development activities aimed at revitalizing neighborhoods, improving affordable housing options, and providing improved community facilities and services.

Based on its population, in 2006, Travis County became an urban county entitlement community, a federal designation which afforded the County the opportunity to apply for CDBG funds. That year, Travis County applied for CDBG funds for the first time in 2006 and has applied and received funding for the past two years. The ~~allocation amount of funds Travis the~~ County receives annually is based on a HUD-designed formula that takes into account the county's population size, poverty rate, housing overcrowding, and age of housing.

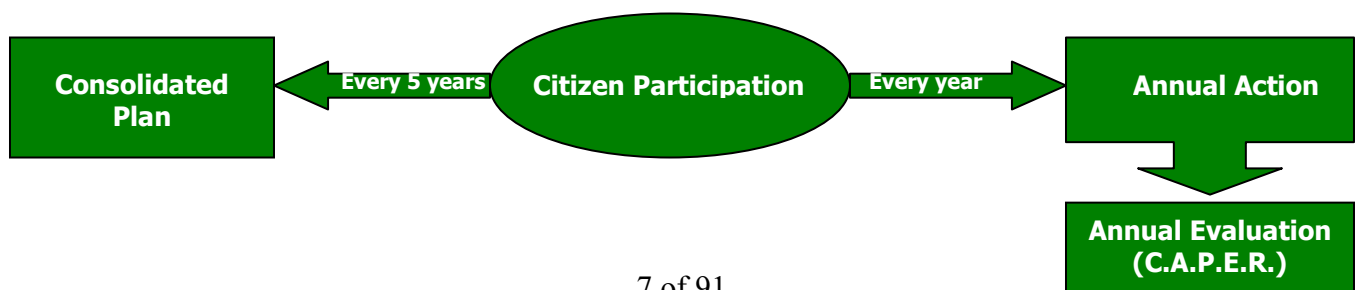
Usage of CDBG funds must meet a variety of parameters set nationally by HUD and locally by the County. This is the third year Travis County will receive CDBG funds. As required by federal regulation requires that, a minimum of 70% of CDBG funds must target services to low- to moderate-income residents. Additionally, Travis County's allocation specifically targets those living in the unincorporated areas of the county. Moreover, before an activity is eligible for funding, it must meet one of the following HUD's national objectives:

- Benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums and blight; or
- Address other community development needs that present a serious and immediate threat to the health and welfare of the community.

Finally, CDBG activities must meet additional eligibility requirements set by HUD in 24 CFR Part 570 and address the priority needs established in Travis County's 2006-2010 Consolidated Plan.

The administration of the CDBG program follows a cycle that includes the drafting of a Consolidated Plan, an annual Action Plan, and an annual evaluation. While the Consolidated Plan outlines the County's housing and community development strategies to be addressed over a five year period, the Annual Action Plan defines the specific activities to be undertaken during the ~~each upcoming~~ program year. As seen below, in the visual representation of the CDBG process, citizen participation has a central role in setting the priorities to be addressed. An evaluation is conducted every year to assess yearly accomplishments.

Figure 1: CDBG Cycle



The Travis County Health and Human Services & Veterans Service Department (HHS/VS) is designated by the County as the lead agency for the grant administration of the CDBG program and the single point of contact with HUD.

Executive Summary

The Travis County Program Year 2008 (PY08) Action Plan lists the specific activities the county will undertake between October 1st, 2008 and September 30th, 2009 to meet the goals and objectives outlined in the 2006-2010 Consolidated Plan. The Action Plan details how the County will use the CDBG funds and describes, as well as other available resources to address the County's housing and non-housing community development needs.

Public Input

The Action Plan highlights different opportunities ~~for~~ the public had during the development of the PY 2008 Action Plan spring to provide input on the usage of the CDBG funds. During the months of February and March the County held public hearings and solicited proposals for the use of CDBG funds. Solicitation of input and invitation to participate in the public hearings were posted on the County's website, and were published in newspapers of general circulation. In addition, notifications by mail were sent to public service providers and to citizens who had previously attended public hearings. Lastly, two public hearings were held ~~are scheduled~~ during the month of July, and a 30-day public comment period is scheduled ~~occurred~~ from the 25th of June to the 26th of July to solicit final comment on the proposed uses of CDBG funds.

Proposed Activities for Program Year 2008

The Program Year 2008 CDBG award for Travis County is \$833,133. Allocations for community improvements are estimated at 73% (\$606,136), at 8% (\$64,788) for public services, and at 19% (\$162,209) for administration and planning. The funds will be used for 5 different activities:

- 1. Infrastructure for New Housing Development (\$500,000)** – This project will provide funds to Austin Habitat for Humanity, a designated sub-recipient, for the installation of infrastructure for a new single-family housing development project. The infrastructure will be installed in land that will be purchased with CDBG funds from Program Years 2006 and 2007. Affordable housing units will be built on the developed land and 41 very low and low income households will have the opportunity to purchase these homes at zero-percent interest percent financing.
- 2. Housing Rehabilitation (\$106,136)** – This program will provide home repair and weatherization services to very low and low income homeowners residing in the unincorporated areas of Travis County. It seeks to improve the energy efficiency, physical

Draft of Travis County CDBG Program Year 2008 Action Plan

living conditions, and safety in owner-occupied homes. Services will be provided by a non-profit, designated as a sub-recipient and identified through a formal application process.

3. Social Service Program (\$64,788) – This program, also funded in PY06 and PY07, will continue to support the expansion of a social service program managed by the Family Support Service (FSS) division of the Travis County Health and Human Services and Veteran Services Department. The funding for this programmatic year will provide case management services to 100 households residing in the unincorporated areas of the county focusing on precincts 1 and 4.

4. Water/Wastewater Planning (\$108,704) – This project, also funded in PY07, will continue to support a Senior Engineer who functions as a Project Manager over two active CDBG-funded street projects and who will assess and provide a report for potential water and wastewater projects to be considered in the future.

5. Administration (\$53,505) – These funds will cover operating expenses associated with the CDBG grant including office supplies, training, contracted services, interpreting, membership and other business related expenses. In addition, it will cover the costs of contracting with a consultant that will complete an Analysis of Impediments to Fair Housing Choice in Travis County.

Draft of Travis County CDBG Program Year 2008 Action Plan

The following figure summarizes the proposed projects and allocations for program year 2008, and the categories under which each project falls.

Figure 2: Proposed Projects for Program Year 2008

Project	Activities	Amount
Community Development		
1. Infrastructure for New Housing Development	Installation of public infrastructure in land that will be used for the construction of affordable housing units	\$500,000
2. Homeowner Rehabilitation	Home repair and weatherization services	\$106,136
Subtotal:		\$606,136
Public Services		
3. Public Services, Other	Family Support Services Social Work Services Expansion – Travis County HHS/VS Program	\$64,788
Subtotal:		\$64,788
Administration and Planning		
4. Planning	Water/Wastewater Improvement Planning	\$108,704
5. Administration	Administrative Operating Expenses	\$53,505
Subtotal:		\$162,209
Total award by HUD:		\$833,133

Past Performance

The 2008 program year marks the third year Travis County has received CDBG funds. As a new entitlement, Travis County is working to establish the systems and procedures to support compliance with HUD requirements and to effectively manage the grant.

During the first program year, no funds were spent given the numerous items needed ~~to~~ for the initial grant start up ~~the grant from zero~~, and due to an allocation error from HUD, which significantly delayed Travis County CDBG's operation. Funds from program years 2006 and 2007 have started to be spent. As the projects are implemented, monitoring is taking place to assure grant compliance and project effectiveness.

HUD conducts an analysis of each entitlement's timeliness of spending 10 months into each grant year. For Travis County, the timeliness test will occur every July, starting July 2008. The threshold for compliance with timeliness is having no more than 1.5 times the current year's

~~Draft of~~ Travis County CDBG Program Year 2008 Action Plan

allocation unspent. CDBG staff will continually assess the spending of funds and the progress of projects to ensure timely spending. To address timeliness considerations, CDBG staff recommended the following actions for its PY08 Action Plan: the funding of administration and planning at maximum level and selecting projects that could spend money in 12-18 months.



Travis County

Section I: General Questions

Annual Action Plan for
Program Year 2008:
October 1, 2008 – September 30, 2009



-Prepared by Travis County Health & Human Services & Veterans Service

Activities to be Undertaken

Project # 1: Infrastructure for New Housing Development

Project Description:

This project will provide Austin Habitat for Humanity, Inc., designated as a sub-recipient, construction dollars for infrastructure to support the land acquisition projects funded with CDBG dollars in PY 06 and PY 07. Additionally, it will further increase the affordability of the owner occupied single family home units created. Infrastructure includes streets, water, sewer, electric and gas lines. The design and engineering of the infrastructure is complete; however, if changes are needed due to the results of the environmental assessment or other unknown factors, dollars may be used to pay for modifications to the design. This project targets households at 25%-50% median family income. A public hearing will be held to receive comment on the location of the land when it is under an option agreement.

Affordable housing units will be built on the developed land and 41 very low to low income households will have the opportunity to purchase these homes at zero-percent interest financing. For a definition of very low, low and moderate income households please refer to Appendix A titled Income Eligibility Requirements.

Project 1: General Project Information	
CDBG Funding:	\$500,000
Leverage Funding:	Self Help Homeownership Opportunity Program (SHOP) Austin Habitat for Humanity =\$ 77,956 Community Funds secured by Austin Habitat for Humanity = \$ 483,730
Project Delivery:	Austin Habitat for Humanity as Subrecipient
Project Oversight:	Travis County Health and Human Services & Veteran Services
Expected Start/ Completion Date:	December 1 st , 2008 – July, 30 th 2009
Location:	Currently unspecified area in the unincorporated areas of Travis County

Draft of Travis County CDBG Program Year 2008 Action Plan

Project 1: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Owner Occupied Housing	Project:	Infrastructure to support affordable housing development
Eligible Activity:	Public Facilities and Improvements	Outcome Category	Affordability
Objective Category	Decent Housing	Specific Objective	Increase the affordability of owner housing
Citation	570.201 (c)	Accomplishment	41 Housing Units
Eligibility	LMH	Matrix Code	03 Public Facilities and Improvements (General)
Priority in the 2006-2010 Strategic Plan#:	High	Travis County HTE #:	HCNC01

Project # 2: Home Rehabilitation

Project Description:

This project will fund home repair and weatherization services to low and moderate income homeowners in the unincorporated areas of Travis County. The program seeks to improve the energy efficiency, ~~the~~ physical living conditions, and ~~the~~ safety in owner-occupied homes. Services ~~will~~ be provided by a non-profit, designated ~~non-profit~~ sub-recipient and identified through a formal application process in which ~~it the non-profit will~~ demonstrates the ability to provide services and adhere to federal guidelines. The program will target households at or below 50 percent of the median family income (Please refer to Appendix A for income eligibility guidelines). A maximum of \$5,000 of CDBG assistance per year will be provided to a single home.

Project 2: General Project Information	
CDBG Funding:	\$106,136
Leverage Funding:	To be determined
Program Delivery:	Designated Subrecipient
Program Oversight:	Travis County Health and Human Service and Veteran Services
Expected Start/ Completion Date:	October 1 st , 2008 – September 30 th , 2009
Location:	Homes in the <u>u</u> Unincorporated <u>a</u> Areas of Travis County

Draft of Travis County CDBG Program Year 2008 Action Plan

Project 2: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Owner Occupied Housing	Project:	Rehabilitation of existing units
Eligible Activity:	Rehabilitation	Outcome Category	Availability/ Accessibility
Objective Category	Suitable Living Environment	Specific Objective	Improve the quality of owner housing
Citation	570.202	Accomplishment	20 Housing Units
Eligibility	LMH	Matrix Code	14A, Rehabilitation, Single Unit Residential
Priority in the 2006-2010 Strategic Plan#	High	Travis County HTE #:	HCIC02

Project # 3: Continuation of FSS Social Work Services Expansion Project

Project Description:

This program is an internal Travis County Health and Human Services & Veterans Service expansion of existing services. The program will allow the continuation of the PY06 and PY 07 expansion of social work services by one social worker, increasing capacity to provide case management, information and referral, non-clinical counseling, crisis intervention and outreach in the unincorporated areas. The social worker ~~works in an office located~~ works in an office located at the Community Center in Del Valle although provides the majority of service provision ~~occurs in~~ occurs in through home visits in order to reduce transportation barriers. The social worker will provide services in the community, as well as at the Community Centers in Manor and Del Valle, focusing on the unincorporated areas of precincts 1 and 4.

Project 3: General Project Information	
CDBG Funding:	\$64,788
Leverage Funding:	<u>Youth and Family Assessment Center (YFAC)</u> Flex Funds – to be determined Best Single Source (<u>BSS</u>) Funds – to be determined
Program Delivery:	Family Support Services (FSS) Division of the Travis County Health and Human Services & Veteran Services
Program Oversight:	Travis County Health and Human Services & Veteran Services
Expected Start/ Completion Date:	October 1 st , 2008 – September, 30 th 2009
Location:	Households residing in precincts 1 & 4 of the <u>u</u> Unincorporated <u>a</u> Areas of <u>TC</u>

Draft of Travis County CDBG Program Year 2008 Action Plan**Project 3: Priority and Performance Measurement Information (HUD –prescribed)**

Priority Need Category:	Public Services, Other	Project:	Social Work Services Program
Eligible Activity:	Public Services	Outcome Category	Availability/ Accessibility
Objective Category	Suitable Living Environment	Specific Objective	Improve the availability of services for low/moderate income persons
Citation	570.201 (e)	Accomplishment	100 households
Eligibility	LMC	Matrix Code	05, Public Services (General)
Priority in the 2006-2010 Strategic Plan#:	High	Travis County HTE #:	HSOC03

Project # 4: Continuation of Water/Wastewater and Other Project Planning Project**Project Description:**

The Travis County CDBG program utilizes a Senior Engineer to function as Project Manager over two active CDBG-funded street and water supply improvement projects that will extend beyond October 1, 2008. In addition, The Senior Engineer will assess and provide a report for potential water and wastewater projects to be considered in the future by the Travis County Commissioners Court.

The Sr. Engineer works with the CDBG administrative staff to evaluate and develop public works projects for the CDBG program. Specific duties include: assisting in identifying projects, serving as a technical advisor, conducting feasibility studies and analysis of potential projects, determining selection criteria for prioritizing projects, determining scope of projects, developing project schedules and cost estimates and budgets, preparing preliminary designs, developing construction specifications, negotiating cost and bid items with contractors, and serving as project manager including preparing related agenda packets, monitoring and inspecting work in progress, reviewing testing results, and approving change orders.

The unincorporated areas whose water/wastewater needs will be assessed for eligibility and potential costs include: Apache Shores , Bluebonnet/Volker Lane , Deer Creek Ranch, FM 969 & FM 973 area, FM 1625 Area, Imperial Valley, Kennedy Ridge, Littig, Manchaca Area, Mt.

Draft of Travis County CDBG Program Year 2008 Action Plan

Chalet, Mountain View Estates, Northridge Acres, Plainview Estates, Plover Place and Rodriguez Road.

Project 4: General Project Information	
CDBG Funding:	\$108,704
Leverage Funding:	Not applicable
Program Delivery:	Travis County Transportation & Natural Resources
Program Oversight:	Travis County Health and Human Services & Veteran Services
Expected Start/ Completion Date:	October 1st, 2008 – September, 30 th 2009
Location:	Neighborhoods in the <u>u</u> Unincorporated <u>a</u> Areas of Travis County

Project 4: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Planning	Project:	Planning
Eligible Activity:	Administration and Planning	Outcome Category	Not Applicable
Objective Category	Not Applicable	Specific Objective	Not Applicable
Citation	570.205	Accomplishment	Other, assessment of 16 neighborhoods
Eligibility	Not Applicable	Matrix Code	20, Planning
Priority in the 2006-2010 Strategic Plan#:	Not Applicable	Travis County HTE #:	HPWC04

Project # 5: Administrative Operating Expenses

Project Description:

The funds allocated for administration will pay for the operating expenses associated with the grant including office supplies, training, contracted services, interpreting, membership and other business related expenses. The funds include \$25,000 for a consultant to complete an Analysis of Impediments to Fair Housing Choice in Travis County. This assessment ~~is in~~ will serve as preparation for the next Consolidated Planning process and will allow the development of a plan to address impediments identified.

Draft of Travis County CDBG Program Year 2008 Action Plan

Project 5: General Project Information	
CDBG Funding:	\$53,505
Leverage Funding:	\$138,002 Travis County General Fund = <u>\$138,002</u>
Program Delivery:	Travis County Health and Human Service & Veteran Services
Program Oversight:	Travis County Health and Human Service & Veteran Services
Expected Start/ Completion Date:	October 1st, 2008 – September, 30 th 2009
Location:	Not Applicable

Project 5: Priority and Performance Measurement Information (HUD –prescribed)			
Priority Need Category:	Not Applicable	Project:	Program Administration
Eligible Activity:	Administration and Planning	Outcome Category	Not Applicable
Objective Category	Not Applicable	Specific Objective	Not Applicable
Citation	570.206	Accomplishment	Other, Effective administration of the grant / Analysis of Impediment to Fair Housing Choice
Eligibility	Not Applicable	Matrix Code	21A, General Program Administration
Priority in the 2006-2010 Strategic Plan#:	Not Applicable	Travis County HTE #:	HAGC05

Performance Measurements

A total of 162 households will directly benefit from the projects proposed in the PY 2008 Action Plan. In addition, ~~the water/wastewater needs sixteen of 16~~ neighborhoods will benefit from the assessments of their water/wastewater needs. Although these neighborhoods will not ~~be~~ receiving a direct service in PY08, the assessment will potentially inform ~~future~~ future CDBG allocations ~~ss in the future~~. The following figure presents each proposed project with the corresponding outcome objective and performance indicator following HUD’s performance measurement framework.

Draft of Travis County CDBG Program Year 2008 Action Plan

Figure 3: Performance Indicators/Outcomes/Objectives for proposed PY 2008 Projects

Specific Objectives	Outcome Objectives	Sources of Funds	Performance Indicators	Expected #	Actual #	Percent Completed
DH-2 Affordability of Decent Housing						
Project 1: Infrastructure for New Housing Development	Address the need for affordable decent housing by providing infrastructure to support affordable housing development to very low and low income households	CDBG Austin Habitat for Humanity (SHOP)	<ul style="list-style-type: none"> ▪ Number of housing units constructed ▪ Number of households who will purchase homes 	41		To be determined
DH-3 Sustainability of Decent Housing						
Project 2: Homeowner Rehabilitation	Address the need for affordable decent housing by offering rehabilitation assistance to very low and low income households	CDBG	<ul style="list-style-type: none"> ▪ Number of households assisted 	20		To be determined
SL-1 Availability/Accessibility of Living Environment						
Project 3: Public Services, Other	Improve the sustainability of the suitable living environment by improving the availability of services for low/mod income persons	CDBG	<ul style="list-style-type: none"> ▪ Number of households assisted 	100		To be determined
SL-3 Sustainability of Living Environment						
Project 4: Planning	Not applicable	CDBG	<ul style="list-style-type: none"> ▪ Other – number of neighborhoods assessed 	16		To be determined
Not Applicable						
Project 5: Administration	Not applicable	CDBG	<ul style="list-style-type: none"> ▪ Other – effective grant administration ▪ Other – Analysis of impediments to Fair Housing Choice 	Not Applicable		To be determined

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The coding system used in Figure 3 follows the numbering system established in the CDBG Community Planning and Development Outcome Performance Measurement System developed by HUD. The outcome/objective numbers stand for the following:

Figure 4: Numbering System for Outcome and Objective Coding

Objective	Outcome		
	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Geographic Distribution

The geographic location of the new housing development (Project 1) that will be supported with CDBG funds is to be determined. The homeowner rehabilitation program (Project 2) will support eligible housing units located in the unincorporated areas of any of the four county precincts, while ~~the and~~ the Social Service Programs (Project 3) will focus in precincts 1 & 4. The planning project (Project 4) will study the water and wastewater needs of 16 neighborhoods located throughout the different county precincts. The following figure summarizes the locations for the project.

~~Please refer to Appendix B for the following maps: 1) Map of the unincorporated areas of Travis County with low to moderate income block groups, 2) Number of African American Residents by Census Blocks, 3) Number of Asian Residents by Census Block Groups, 4) Number of Hispanic Residents by Census Block Group and 5) Number of Residents Identified as "Other Race" by Census Block Group.~~

**Figure 5: Geographic Distribution of Grant Activity
for the Program Year 2006**

PY08 Projects	Locations	
Project 1: Infrastructure for New Housing Development	A public hearing will be held once an option of agreement is placed on the land.	
Project 2: Homeowner Rehabilitation	Housing units residing located in the unincorporated areas of Travis County	
Project 3: Public Services, Other	Households residing in precincts 1 & 4 in the unincorporated areas of Travis County	
Project 4: Water and Wastewater Planning	<p>Precinct 1: FM 969 & FM 973 area, Littig, Imperial Valley, Bluebonnet/Volker Lane, Kennedy Ridge, Plainview Estates</p> <p>Precinct 2: Northridge Acres</p>	<p>Precinct 3: Manchaca Area Apache Shores, Mountain View Estates, , Mt. Chalet, Deer Creek Ranch</p> <p>Precinct 4: FM 1625 Area, Rodriguez Road, Manchaca Area Plover Place</p>
Project 5: Administration	Not Applicable	

For additional information, please refer to Appendix C for the following maps: 1) Map of the unincorporated areas of Travis County with low to moderate income block groups, 2) Number of African American Residents by Census Block Group, 3) Number of Asian Residents by Census Block Group, 4) Number of Hispanic Residents by Census Block Group and 5) Number of Residents Identified as "Other Race" by Census Block Group.

Project Selection Process

Priorities for Funding

In the Consolidated Planning Process for the 2006-2010 period, Travis County determined the high, medium and low priorities for CDBG funding. HUD defines high priorities as those programs which will be funded in the program year. Medium priorities are those that will only be funded if funding becomes available, and low priorities are those that will not be funded in a program year. The following table figure summarizes the high priorities established for the 2006-2010 period. For a complete list of high, medium and low priorities please refer to Appendix DE.

Figure 6: High Priorities established for the 2006-2010 period

Area of Priority	Priority Level for the 2006 – 2010 period
Owner Housing	
Production of New Units	High
Rehabilitation of Existing Units	High
Infrastructure to Promote Affordable Housing	High
Infrastructure	
Water/Sewer Improvements	High
Street Improvements	High
Public Service Needs	
Youth Services	High
Other Public Service Needs	High

Project Prioritization

Citizens, services providers and relevant county staff presented potential CDBG projects:

- By participating in any of the five public hearings held during the months of February and March, 2008.
- Through the submission of a Citizen Participation Form or a Project Proposal Form. Citizens or service providers who were not able to attend public hearings had the opportunity of filling out any of these two forms by accessing it on the Travis County website or by requesting it from Travis County CDBG staff.

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Travis County CDBG staff considered and weighed all potential projects identified by the public. First, the CDBG Office staff assessed whether: 1) potential projects met one of HUD's national objectives, 2) the proposed activities were CDBG eligible, 3) the proposed activities fell under the high priorities established under the Consolidated Plan, and 4) projects were feasible to complete in a timely manner.

Second, CDBG staff evaluated high priority projects according to the following criteria:

1. **Feasibility of project (timeliness):** Projects that have the ability to be implemented and completed within 18 months received more favorable review.
2. **Impacts a significant number of households:** Project scope and the number of persons benefiting was considered to determine the level of project impact.
3. **Benefit to low/moderate-income persons:** Projects that benefit low- and moderate-income households received more favorable review.
4. **Leverages/matches funds from other sources:** Projects that utilize other funds (federal, state, local, private) and public/private joint efforts received more favorable review.
5. **Phased project (phased judiciously):** More favorable consideration was given to projects that either 1) ~~can be completed~~~~are finished~~ within one year or 2) for which funding is only allocated for 12 – 18 months of work, but for which 12 - 18 months of work would be sufficient for the project to have nearly full impact. Phased projects for which 12 - 18 months of work would leave an incomplete project with little to no impact were considered with less priority.

Evaluations were provided to the Travis County Commissioners Court for consideration when making final decisions regarding what projects were to be included in the PY 2008 Action Plan.

Public Participation Process

Summary of Public Participation Process

Following the guidelines outlined on the Code of Federal Regulation (CFR), Title 24, Part 91.105, and the Citizen Participation Plan approved by Travis County Commissioners Court on April 11, 2006, Travis County HHS/VS actively sought citizen participation during the spring of 2008 for the development of the 2008 CDBG allocation. Public hearings were held at two different times throughout the development of the PY 2008 Action Plan. The following mechanisms were employed to gain input from both citizens and service providers.

Input Needs Gathering Process

In order to elicit public input on the needs of those living in the unincorporated areas of Travis County for the development of the PY 2008 Action Plan (AP), Travis County HHS/VS held public hearings at

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several locations throughout the County in two different formats to acquire information. A total of five public hearings were held throughout the months of February and March 2008 to elicit public input on the housing, community development, and public service needs of those living in the unincorporated areas of Travis County. One public hearing was held on February 19, 2008, at the Travis County Commissioners Court during the normally scheduled voting session. Four other public hearings were held on February 21, 25, 27 and March 3, 2008, throughout the County, one in each of the four County precincts. The following efforts were made to advertise the public hearings:

- Notices were published in English and Spanish in newspapers of general circulation during the week of January 28th, including the Manor Messenger, Pflugerville Pflag, Hill Country News, Lake Travis View, North Lake Travis Log, West Lake Picayune, Oak Hill Gazette, the Austin Chronicle and in the Spanish language newspapers Ahora Sí and El Mundo.
- Notices were posted on the Travis County website (www.co.travis.tx.us).
- Flyers were posted on the seven Travis County Community Centers and outside of the Granger Building Commissioners Courtroom.
- Notices were aired on Travis County Public Access Television Station for three weeks: the two weeks prior to the hearings and during the week of the hearings.
- Several electronic mails were sent out internally to Travis County staff through public announcements and direct communication to relevant Travis County departments.
- Emails and mail announcements were sent to citizens who had attended CDBG public hearings in previous years and had chosen to provide their contact information.
- Announcements of the public hearings were also sent out to numerous electronic mailing lists (e-lists) ~~To seek the participation of service providers and their clients, announcements of the public hearings were also sent out to numerous electronic mailing lists (e-lists).~~ The e-lists included those prepared by the Community Action Network (CAN), the Basic Needs Coalition of Central Texas, the Austin Area of Human Services Association and the HHS/VS Research and Planning division. These e-lists were strategically chosen because they reach service providers in areas relevant to CDBG such as housing, economic development, redevelopment, public services and planning.

During the five public hearings, vVerbal comments on the community's existing needs were taken during these public hearings heard. Those that were not able to participate in the public hearings, had the choice of providing their input by filling out a Citizen Participation Form or a Project Proposal Form that were provided to interested parties upon request and were also available at the Travis County website. For a detailed description of the input received during the public hearings and through the Citizen Participation Forms please refer to ~~the sections of~~

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Appendix ~~“B”, Sections A titled “Summary of Public Input Received” and “Detailed Testimonies Received during Public Hearing on 2/19/08.”.~~

Efforts to broaden Public Participation

The following efforts were made to broaden public participation:

- ~~To increase the access to information of Spanish speakers, public notices were available in Spanish language newspapers *Ahora Sí* and *El Mundo*.~~
- ~~Public notices presented the option of requesting an American Sign Language or Spanish interpreter.~~
- ~~One of the public hearings was translated simultaneously to Spanish to accommodate Spanish speakers.~~
- ~~The CDBG website stayed current with documents and announcements of the public hearings.~~
- ~~Residents and services providers who were not able to attend the public hearings had the option to provide their feedback by filling out a Citizen Participation Form or Project Proposal Form.~~

Public Comment Period ~~Next Steps for finalizing PY 2008 Action Plan~~

~~In order to elicit public comment on the proposed uses of CDBG funds for the PY08 Action Plan, a 30-day public comment period was held to receive written comments prior to final approval by the Travis County Commissioners Court. Additionally, two public hearings, at the Travis County Commissioners Courtroom, were held during the comment period to receive testimony on the PY08 Action Plan and PY06 Substantial Amendment. The Travis County Commissioners Court approved the draft the PY2008 Action Plan on June 17, 2008. The Plan ~~was~~ will be posted for 30 days to receive written comment prior to final approval by the Travis County Commissioners Court.~~

~~Advertisements publicizing the 30-day public comment period and the two related public hearings for the PY08 Action Plan and the PY06 Substantial Amendment were in newspapers of general circulation during the week of either June 2nd or June 9th depending upon the paper. Additional advertising methods employed, which notified the community about the comment period and public hearings, are the same as those used in the abovementioned needs gathering process section.~~

The 30-day public comment period ~~will~~ commenced on June 25, 2008, and ~~will~~ ended on July 26, 2008. Two public hearings ~~were~~ will be held to receive comment on the Action Plan: one on July 1, 2008, and the second on July 22, 2008. ~~Please refer to Appendix B to read the testimonies received during these public hearings.~~

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~~ill be put in newspapers of general circulation, and were ill be posted on the Travis County website (www.co.travis.tx.us) and at the seven Travis County Community Centers. Announcements were ill be posted in both English and Spanish and were also sent out to citizens and services providers through mail.~~

Summary of Public Comments

~~A total of three public comments were received on the draft of the PY 08 Action Plan and the PY 2006 Substantial Amendment. Two people testified at the July 1, 2008, public hearing. No one testified at the July 22, 2008, public hearing and one written comment was received during the 30- day public comment period.~~

~~A summary of the comments and interests include:~~

- ~~➤ Continue to support the expansion of affordable housing in the community.~~
- ~~➤ Consider a lease purchase program to assist persons in building credit and accessing affordable housing.~~
- ~~➤ Consider funding the construction of the Lava Lane improvements after the design phase is complete.~~
- ~~➤ Consider funding the connections to water and the design and construction of a wastewater system for Plainview Estates.~~

~~The Plainview Estates residents are included in the water/wastewater planning project for PY07 & PY08. Affordable housing expansion and street improvements are included in all three plan years thus far. All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan. Please see Appendix "B", Attachment "B" for the detailed comments received during the 30 day public comment period and public hearings.~~

Written Explanation of Comments Not Accepted

All comments were accepted.

~~The draft of the Action plan will be available via Travis County's website, at the seven Travis County Community Centers and upon request through the CDBG office. Comments on the PY08 Action Plan may be received in writing via e-mail or postal mail to the Travis County Health and Human Services and Veteran Services CDBG Staff no later than 5:00 p.m. on July 26, 2008. On August 5th, 2008, it is anticipated that the Travis County Commissioners Court will adopt the final 2008 Annual Action Plan.~~

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After final submission to HUD on August 15th, 2008, the final Program Year 2008 Action Plan will be made available on the Travis County website (www.co.travis.tx.us) and at the seven Travis County Community Centers.

Efforts to broaden Public Participation

The following efforts were made to broaden public participation:

- To increase the access to information of Spanish-speakers, public notices were available in Spanish language newspapers *Ahora Sí* and *El Mundo*.
- Public notices presented the option of requesting an American Sign Language or Spanish interpreter.
- One of the public hearings was translated simultaneously to Spanish to accommodate Spanish speakers.
- The CDBG website stayed current with documents and announcements of the public hearings.
- Residents and services providers who were not able to attend the public hearings had the option to provide their feedback by filling out a Citizen Participation Form or Project Proposal Form.

Managing the Process and Institutional Structure

Effective implementation of the Program Year 2008 Action Plan will involve a variety of key stakeholders. Coordination and collaboration within the Travis County government and between agencies will be instrumental in ensuring the needs in the community are addressed effectively. The departments and agencies anticipated to be involved in the implementation of the projects of the PY08 Plan are described below.

Internal Travis County Departments

As done during the implementation of CDBG's projects during the past two program years, the CDBG office will continue engaging several Travis County departments to ensure efficient and effective project planning, management, and implementation of the PY08 Action Plan. The departments that are anticipated to play key roles in the execution of the projects include the Health and Human Services & Veterans Service Department (HHS/VS), the Transportation and Natural Resources Department (TNR), the County Attorney's Office and the Purchasing Office. The Travis County Commissioners Court, as the chief-policy making authority of the County, ~~they~~ provides oversight and has ~~ve~~ the final approval on the actions recommended by the county staff. CDBG staff will continue to implement the policies and procedures to support the effective management of CDBG funds.

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Health and Human Services & Veterans Service Department

Travis County Health and Human Services & Veterans Service Department (HHS/VS) is the lead county agency responsible for the administration of the County's CDBG funding. This department has the primary responsibility of assessing community needs, developing the Consolidated Plan and yearly Action Plans, managing project activities in conjunction with other county departments and other community partners, administering the finances, monitoring and reporting. The CDBG office is located in the Executive Manager's Office within HHS/VS. HHS/VS reports to the Travis County Commissioners Court for oversight authority.

It is anticipated the Research and Planning Division (R&P) within HHS/VS will work closely with the CDBG office to provide grant support as needed. Due to the complexity and amount work to be completed related to ~~of~~ community planning, data collection, resource development, ~~work to be completed~~, R&P and CDBG are coordinating data collection, resource development and planning efforts around housing and community development issue areas to increase capacity and reduce duplication of efforts.

Additionally, the Family Support Services (FSS) Division of HHS/VS is the project manager for a CDBG public service project. FSS also manages the seven Travis County Community Centers so the CDBG Office works closely with the Division to ensure access to CDBG documents and encourage outreach and citizen engagement through the Centers.

Travis County Commissioners Court

The Commissioners Court is made of four elected commissioners, one to represent each county precinct and the County Judge who serves as the presiding officer. As a group, the Commissioners and County Judge are the chief policy-making and governing body of the county government. The Commissioner's Court makes all final decisions about CDBG fund allocations

Transportation and Natural Resources Department

The Transportation and Natural Resources Department (TNR) and the CDBG office work closely to coordinate environmental review functions, project planning, implementation and GIS mapping. TNR and CDBG employees have been trained in environmental regulations. This cross training of both departments allows for quality review and peer consultation. More

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formalized processes and policies for Travis County's environmental review processes will be developed over the next year to take effect during the implementation of the PY08 Action Plan.

In addition, as part of the project that was approved for the PY07 Action plan, the CDBG office is working closely with a Senior Engineer the TNR office has hired to prepare an assessment of areas that need water/wastewater improvements. The CDBG office and the Senior Engineer will coordinate the preparation of project scopes, eligibility, cost estimates, and project design.

County Attorney's Office

The County Attorney's Office creates and reviews legal agreements as well as provides legal advice and consultation. They have created templates to assist with CDBG procurement procedures, ~~and~~ related ~~services~~ consultant ~~services~~, and subsequent construction documents, ~~and~~ templates for sub-recipient agreements. This type of collaboration is expected to continue during the implementation of the PY08 Action Plan.

Purchasing Office

The Purchasing Office manages the CDBG procurement processes for commodities, professional services and construction. The office received a position funded by the Travis County general fund in 2006 to support CDBG and programs of the Texas Department of Transportation (TxDOT) -- two new streams of federal funding. This approach supports compliance with common federal standards and promotes efficiencies within the County. In addition, this position ensures compliance with required labor standards and submits related reports to the CDBG office. The collaboration between the CDBG office and the Purchasing office is also expected to continue during the implementation of the PY08 Action Plan.

Public Sector and Non-Profits

During the implementation of the PY08 Action Plan, the Travis County CDBG office anticipates coordinating with a variety of local non-profits and governmental entities activities related to project and grant management, and community planning. The following list provides some examples of the type of engagements the Travis County CDBG office anticipates to build with the public and private sectors:

- ◆ Consultation with other entitlement counties and cities to exchange models for CDBG grant management and project implementation;
- ◆ Information exchange and coordination with other implementing agencies on jointly funded projects;
- ◆ Coordination of planning efforts for affordable housing and ending homelessness initiatives with local stakeholders including coalitions of non-for-profits, the City of Austin, and regional organizations;

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- ◆ Coordination of planning efforts with the University of Texas, in particular with the faculty and students of the Community and Regional Planning Department for areas such as developing an affordable housing policy for the County and developing a comprehensive analysis of impediments to fair housing choice;
- ◆ Coordination of planning efforts with the Travis County Housing Authority and Travis County Housing Finance Corporation for affordable housing programs in the unincorporated areas of the county;
- ◆ Partnerships with local Community Housing and Development Organizations (CHDOs), non-profits, and other community development and housing providers to explore options for community development and public service projects and leverage other federal, state, local and private funding.

Monitoring

As the lead agency for development and implementation of the Consolidated Plan, the Travis County Health and Human Services & Veterans Service Department implements standard policies and procedures for monitoring the implementation of CDBG activities. These monitoring activities ensure compliance with program regulations and compliance with financial requirements. Federal guidelines that must be followed include: OMB A-110, OMB A-122, 24 CFR Part 570.603 (CDBG Labor Standards), 570.901-906 (CDBG) and the Davis Bacon Act and Contract Work Hours and Safety Standards Act (CDBG).

HHS/VS provides contract administration for community development activities in conjunction with the Transportation and Natural Resources Department, including but not limited to contract negotiations, compliance monitoring, and payment and contract closeout.

Sub-Recipients

Sub-recipient agreements will be used to conduct housing, community development and public service activities. The sub-recipient agreement will be the foundation for programmatic monitoring. Sub-recipients will be monitored for programmatic compliance on-site in the following manner:

1. All invoices and reports will be routed via HHS/VS CDBG staff prior to final approval by financial services and the Auditor's Office.
2. All new sub-recipients will be monitored quarterly until no findings occur.
3. After two consecutive monitoring reports with no findings, semi-annual visits will occur.
4. Monitoring visits may occur on an annual basis if a sub-recipient has a long-standing record (three or more years) with no substantial findings.

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Financial monitoring will be completed as necessary and as directed by sub-recipient fiscal performance and the external monitoring needs of the Travis County Auditor's office. Programmatic and fiscal monitoring may not occur concurrently.

Contractors

Contractors may be used to provide some housing, community development and public services. Contractors submit periodic reimbursement requests that document and verify expenditures. The contract agreement will be used as the primary basis for monitoring. The following steps are an integral part of the monitoring process for each contract:

1. On-site reviews at an established periodic interval (prior to project commencement) will occur to ensure compliance with terms of the contract, HUD guidelines, state/local building and construction standards, and review of engineering plans and specifications.
2. If a contractor is found to be out of compliance, a notice is sent stating their contractual obligation and required action. Failure to comply may result in loss of current and/or future contracts as well as a hold on any payments.
3. All invoices and reports will be routed via HHS/VS CDBG staff prior to final approval by financial services and the Auditor's Office.

Internal Travis County Departments

Internal Travis County projects will be monitored through Travis County HHS/VS CDBG staff. Monitoring activities will include documentation and tracking mechanisms such as sign off prior to invoices being paid, regular meetings with project management staff, and frequent checking of eligibility files, if applicable.

Project Files

Travis County HHS/VS staff will maintain files in order to document each project and its respective compliance with HUD and related regulations.



Travis County

Section II: Housing

Program Year 2008:
(October 1, 2008 – September 30, 2009)
Annual Action Plan



-Prepared by Travis County Health & Human Services & Veterans Service

Overview of Housing Services supported by Travis County

Travis County addresses the multiple housing needs of its residents through diverse strategies that include the support of homeless and emergency shelters; transitional, public, assisted, and rental housing; first-time homebuyer programs and owner-occupied assistance programs. These services are either directly delivered by county departments, affiliate entities or by contracted not-for-profit agencies. The following table summarizes the county departments and contracted agencies engaged in the provision of housing services in Travis County.

Travis County HHS/VS Purchased Services to Support Housing

Travis County HHS/VS invests significantly in the continuum of housing services through contracts with non-profits. For Contract Year 2008 (CY2008), which aligns with the calendar year, Travis County has committed the financial resources outlined in the figure below.

Figure 7: Overview of Travis County Purchased Services Investment in Housing for Contract Year 2008

Area of the Housing Continuum	Investment
Emergency Assistance	\$587,018
Homeless Shelters	\$397, 858
Transitional Housing	\$226,320
Total HHS/VS Purchased Services Housing Investments	1,211,196

Travis County HHS/VS Housing Services

The Travis County Housing Services performs weatherization and home repairs on houses occupied by county residents to improve energy efficiency, the physical living conditions, and safety in these homes. Funding for services comes from the Texas Department of Housing and Community Affairs, the City of Austin and the Travis

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County General Fund. Currently, 107 households are on the waiting list for these needed essential services.

Travis County HHS/VS Family Support Services Division

The Family Support Services (FSS) Division provides rent and mortgage assistance for 30 day housing stabilization as well as utility assistance. Funding for services comes from the Travis County General Fund, the Federal Emergency Management Agency (FEMA), Comprehensive Energy Assistance Program and a variety of local electric and gas utility providers.

Other Travis County HHS/VS Divisions

Other HHS/VS Divisions provide emergency rent or utility assistance on a smaller scale than FSS. These dollars are usually a part of a comprehensive case management program with strategic use of funds for families in need.

Travis County Housing Finance Corporation

Through the Travis County Housing Finance Corporation (TCHFC), Travis County is engaged in a number of efforts to foster and maintain affordable housing. The Corporation provides single-family home ownership (including down payment assistance) opportunities to first-time homebuyers who meet certain income requirements. In addition, the Corporation issues tax-exempt bonds to finance the construction or acquisition of multi-family apartments that must provide rental units to certain low and moderate-income families.

The Housing Authority of Travis County

The Housing Authority of Travis County (HATC) manages three public housing sites, a Section 8 Housing Choice Voucher Program, three Shelter Plus Care Projects and a Lease-Purchase program.

The public housing sites have a total of 105 housing units while the Shelter Plus Care projects provides rental assistance for homeless people with chronic disabilities in the Austin-Travis County area. The program utilizes integrated rental housing and flexible and intensive support services to promote community tenure and independence. These Public Housing and Shelter Plus sites are all located in the incorporated areas of the county.

In the unincorporated areas, HATC administers the Section 8 Housing Choice Voucher Program, assisting very low income, disabled and elderly families or individuals. HATC also operates a Lease-Purchase program, to provide homeownership opportunities for

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prospective homebuyers who can afford monthly mortgage payments, but do not have funds for a down payment and/or closing costs or the credit standing to qualify for a loan.

CDBG Housing Investments

The Travis County CDBG program has supported projects that seek to preserve and expand the supply of affordable housing units. For the combined program years 2006, 2007, and 2008 CDBG is supporting the construction of affordable single family homes by providing funds for the land acquisition and the infrastructure that will be used to build 41 homes for very low and low income families. Additionally, **PY08** CDBG funds will target home rehabilitation for the first time. These services will build upon and expand existing Travis County efforts in home repair and weatherization. Figure 8 summarizes the CDBG housing investments.

Figure 8: Overview of Travis County CDBG Investment in Housing

Housing Activities	CDBG Housing Investments	Impact
PY06: Land acquisition for the Production of New Owner Housing Units	\$250,000	41 Households
PY07: Land acquisition for the Production of New Owner Housing Units	\$195,518	
PY08: Infrastructure for new housing development	\$500,000	
PY08: Home Rehabilitation	\$106,136	20 households
Total CDBG Housing Investments	\$1,051,654	61 households

Barriers to Affordable Housing

Many factors impact affordability of the housing stock in the unincorporated areas of Travis County. The high cost of living and the demand for land and housing create a lack of affordable housing for very low- and low-income households. Outlined below are the barriers to affordable housing identified through the 2006-2010 Consolidated Plan's needs assessment, housing market analysis, provider forum and surveys, consultations and public hearings.

Lack of Funding for Affordable Housing

Travis County's Housing Finance Corporation currently has funding and programs in place to increase affordable home ownership through first time homebuyers down payment assistance and bond programs. While this funding creates opportunities to increase housing affordability poor credit scores and other factors make it difficult for low to moderate-income families to qualify for mortgage loans.

The majority of Travis County residents with a housing cost burden are renters. Not enough funding exists to subsidize renters to make rents more affordable.

High Cost of Housing, Land and Infrastructure

The high cost of housing, land and infrastructure makes homeownership and rents unaffordable to many of Travis County's low-income families. For residents with low- to moderate-income, the availability of homes at affordable prices is dwindling.

Building Codes, Zoning Provisions, Growth Restrictions and Fees

At this time, Travis County does not have any building codes, zoning provisions or growth restrictions in the unincorporated areas. This is largely a function of state statutes that place significant limits on the authority of counties to regulate or restrict development. While less restrictions, codes and provisions initially increase affordable development, it also increases the likelihood for substandard housing and other unsuitable living conditions throughout the unincorporated areas. [The Travis County Commissioners Court is currently exploring ways the county can expand its land use authority in the unincorporated areas.](#)

Environmental Regulations

Several state and federal regulations exist to protect the environment including the Endangered Species Act, the National Pollutant Discharge Elimination System and the Wetland regulations. Texas rules include regulation for the installation of septic systems and for development over the Edwards Aquifer. These regulations may increase costs for development, affecting affordability.

Addressing Barriers to Affordable Housing

Refer to previous section to see Travis County's investments in promoting affordable housing. The following figure presents the Housing Priority Needs Summary Table prescribed by HUD.

Figure 9: Housing Priority Needs and Goals

Housing Priority Needs and Accomplishments Summary					
Priority Housing Needs (Households)		Priority Need Level (High, Medium, Low)		5-Year Goals	PY 2008 Estimates
Renter	Small Related	0-30%	High	2	0
		31-50%	High	1	0
		51-80%	High	2	0
	Large Related	0-30%	Medium	0	0
		31-50%	High	1	0
		51-80%	High	1	0
	Elderly	0-30%	High	1	0
		31-50%	High	0	0
		51-80%	Medium	0	0
	All Other	0-30%	High	1	0
		31-50%	High	1	0
		51-80%	High	2	0
Owner	0-30%	High	20	20	
	31-50%	High	15	41	
	51-80%	High	31	0	
Total Goals				78	0
Total 215 Goals*				N/A	N/A
Total 215 Renter Goals*				N/A	N/A
Total 215 Owner Goals*				N/A	N/A

Impediments to Fair Housing Choice

The U.S. Department of Housing and Urban Development (HUD) has a commitment to eliminate racial and ethnic segregation, physical and other barriers to persons with disabilities, and other discriminatory practices in the provision of housing. HUD extends the responsibility of affirmatively furthering fair housing to local jurisdictions through a variety of regulations and program requirements.

As an entitlement county receiving CDBG funds from HUD, Travis County must fulfill its fair housing responsibilities by developing an analysis of impediments to fair housing choice and by taking actions to overcome the identified impediments. Given the County's limited history administering the grant (two years and half), the complexities of conducting a thorough analysis, and the limited staff resources, the CDBG office of Travis County developed a preliminary analysis to lay the ground for a more comprehensive analysis to be conducted by a consultant in the program year 2008. Part of the funds requested for CDBG Program Year 2008 administrative expenses will fund the study.

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The preliminary analysis highlights the impediments identified by the City of Austin in the analysis they published in February, 2005. Since ~~a lot~~much of the analysis conducted by the city, used county data, the impediments can be expected to hold in other areas of the county including non-incorporated areas. The identified impediments are the following:

- Lack of accessible housing to meet the need of the disabled community throughout the county
- Lack of affordable housing
- Discrimination of minorities in housing rental and sales market
- Misconception by property managers concerning family occupancy standards
- Predatory lending practices
- Disparity in lending practices
- Failure of mortgage lenders to offer products and services to very low-income and minority census tracts people
- Insufficient financial literacy education
- Insufficient income to afford housing

The analysis of impediments that will be conducted with funds from the PY08 Action Plan, will reveal to what extent the impediments mentioned are applicable to the county as a whole as well as any other impediments that might be unique to the unincorporated areas. The analysis will also design an action plan to address those impediments.

Travis County currently addresses issues of housing discrimination by funding social services from the Austin Tenant's Council (ATC) and Texas Rio Grande Legal Aid, Inc. ATC provides information about housing rights and advocacy to protect the housing rights of low income and minority residents of Travis County. Texas Rio Grande Legal Aid, Inc. provides legal assistance to obtain or preserve safe, decent and affordable housing for clients facing eviction and/or homelessness. The Family Support Services Division, which operates within HHS/VS, addresses issues of possible fair housing discrimination through referral to these organizations.

In spite of the efforts made by funding the work of these two organizations, the County needs to develop an action plan, which addresses impediments to fair housing choice. The development of a comprehensive plan to address identified issues will allow the County to target efforts to reduce discrimination and barriers to affordable housing through advocacy, policy change and strategic investments.

Homeless and other special needs activities

Planning Efforts to End Homelessness

Travis County is a member of the Ending Chronic Homelessness (ECHO) Coalition. The overall role of ECHO is to identify specific strategies and to oversee ongoing planning and implementation of a plan to end chronic homelessness in Austin and Travis County. The ECHO Coalition is comprised of four subcommittees: Planning & Evaluation, Prevention, Exiting, and Systemic Issues. Regular monthly meetings for each subcommittee are held, and plenary meetings for all ECHO members are held quarterly. Travis County CDBG staff joined the Planning and Evaluation Committee during PY07 and during the coming year will be participating in the Independent Review Team that will reviews and rank HUD Continuum of Care (CoC) applications and will provides feedback to contracting agencies.

Homeless Services

During the 2008 program year, Travis County will not target the use of Community Development Block Grant funds toward homeless efforts. During calendar year 2008, Travis County is investing over \$350,000 in general fund dollars in contracts with social service providers targeting the homeless in conjunction with the Austin/Travis County ESG grant administration and the Austin/Travis County Plan to End Chronic Homelessness.

Homelessness Prevention

A variety of homelessness prevention efforts are made through the Travis County General Fund and other grant sources. HHS/VS invests directly through its Family Support Services Division (FSS) to address housing stability issues including rent, mortgage and utility assistance. Annually, FSS provides over \$ 1,899,000 of General Fund and grant assistance dollars. For 2008, purchased service investments with non-profits will totals over \$580,000.

HUD Continuum of CARE (Homeless SuperNOFA)

Austin/Travis County receives approximately \$3.7 million per year in HUD Continuum of Care (CoC) funding. This funding is provided for homeless assistance and has been static for several years due to no additional SuperNOFA funds awarded to the CoC.

HOME/ American Dream Down Payment Initiative (ADDI)

Travis County does not receive HOME or ADDI funds at this time.

Emergency Shelter Grant

Travis County does not receive Emergency Shelter Grant funds at this time.

Travis County

Section III: Non- Housing Community Development and Other Actions

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Non-Housing Community Development Investments

During the past three years, CDBG dollars in Community Development has supported the improvement of a water delivery system, the improvement of substandard roads and the planning of water and wastewater projects. Refer to the figure below for a summary of CDBG investments in community development for 2006-2008.

**Figure 10: Overview of Travis County
CDBG Investment in Community Development**

Table 2B: Community Development Needs/Projects		
Community Development Needs/Projects	Priority Need Level	CDBG Investments
INFRASTRUCTURE		
Water Improvements PY06	High	\$ 200,000
Street Improvements PY 06	High	\$ 388,659
Street Improvements PY 07	High	\$ 500,000
	Total Infrastructure	\$ 1,088,659
PUBLIC SERVICE		
Other Public Service Needs PY 07	High	\$ 64,000
Other Public Service Needs PY 08	High	\$ 64,877
	Total Public Service	\$ 128,877
ECONOMIC DEVELOPMENT		
	Low	\$ 0
PUBLIC FACILITY		
	Medium and Low	\$ 0
PLANNING		
Water/Wastewater Improvement Planning PY 07	Not applicable	\$ 88,727
Water/Wastewater Improvement Planning PY 08	Not applicable	\$ 108,704
	Total Planning	\$ 197,431
TOTAL CDBG Dollars Invested in Community Development:		\$ 1,414,967

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In addition to CDBG investments, the County's infrastructure department, Transportation and Natural Resources, conducts community development activities in the form of public parks, bridge and drainage projects, storm water management, road maintenance, onsite sewage facilities, transportation planning, and various other projects, totaling approximately \$74,125,080 in PY 2007.

Water and Wastewater Needs

Water and ~~Waster~~ wastewater needs have been a recurring need brought up in the CDBG public hearings held during the last three years. As result of a lowering water table as well as the development occurring in the South and East areas of the County, families are experiencing a shortage of water in their wells. Some families have to truck in water, while others go without this needed resource. The public infrastructure needed to resolve neighborhoods' access to water is costly and requires strategic planning and the creation of partnerships.

CDBG is funding a water/wastewater study of those neighborhoods ~~who~~ that have self-identified a need. The study will provide the County objective and organized data to determine next steps. The planning will also assist in the development of opportunities to leverage funds with public and private dollars to address identified needs.

Anti-Poverty Strategy

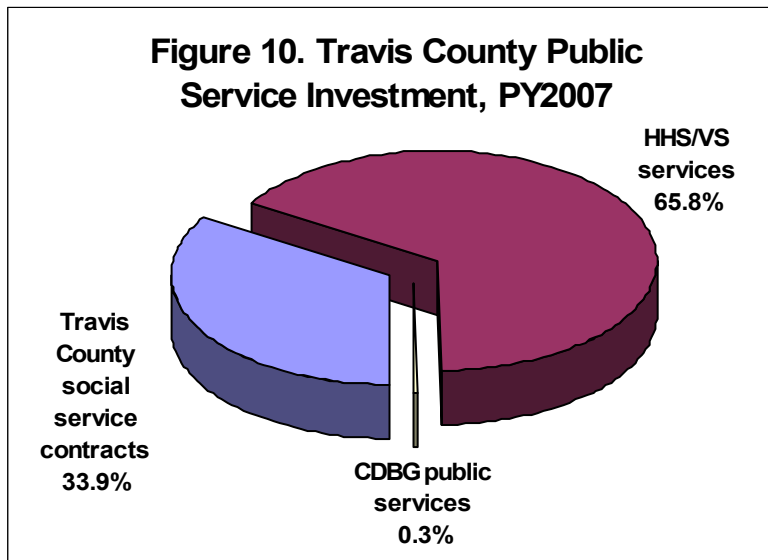
Travis County's lead agency for administering CDBG funds is the Health and Human Services & Veterans Service Department, whose mission is "to work in partnership with the community to promote full development of individual, family, neighborhood, and community potential." The vision of HHS/VS is "optimizing self-sufficiency for families and individuals in safe and healthy communities." Both the mission and vision of HHS/VS are essentially aimed at preventing and ameliorating conditions of poverty in Travis County.

Travis County operates a number of anti-poverty programs that assist individuals and families on multiple fronts in transitioning from crisis to self-sufficiency. The County carries out its anti-poverty programs both through the direct delivery of services managed by the Health and Human Service and Veteran Service Department and by purchasing services from private and not-for-profit agencies in the community. In addition to the provision of direct services, Travis County continually assesses the poverty and basic needs of county residents, works with stakeholders in facilitating anti-

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poverty efforts, and supports public policy initiatives that prevent and ameliorate conditions of poverty.

HHS/VS contracts annually with over 40 non-profits in the form of social service contracts. During the 2007 program year, approximately \$8,133,956 were invested on social service contracts. In addition, during the 2007 program year the Health and Human Services & Veterans Service Department (HHS/VS) provided approximately \$15,770,193 in direct public services. Figure 11 summarizes Travis County Public Service Investments during program year 2008.



HHS/VS began to develop a formal anti-poverty strategy during the 2006 program year. A committee made up of HHS/VS employees from across different divisions met to discuss the development of an anti-poverty strategy led by CDBG staff. In PY08 work will continue to further the development of an official anti-poverty strategy.

Non-Homeless Special Needs

HUD identifies non-homeless special needs populations as elderly, frail elderly, those with severe mental illness, the developmentally disabled, the physically disabled, persons with alcohol and other drug addictions, victims of domestic violence, and persons living with HIV/AIDS. Over the five-year strategic direction of the 1006-2010 Consolidated plan, no specific goals for CDBG are targeted to address non-homeless special needs.

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Travis County's HHS/VS provides services to special needs populations through direct services as well as social service contracts and inter-local agreements with other governmental organizations. Travis County HHS/VS invests in different programs to address public health, substance abuse, indigent health, and mental health needs.

Services for Elderly & Frail Elderly

Travis County funds services through social service contract investments. Services provided include in-home care services, bill payer services, meals, and case management. In-home services include assistance with personal hygiene tasks as well as housekeeping while bill payer services include assistance with finances and money management. Meals include hot meal delivery and 2nd meal assistance.

Services for Persons with Physical Disabilities or Developmental Delays

Travis County funds services for persons with physical disabilities and developmental delays through social service contract investments. Services center around employment and job-readiness, case management, early childhood intervention, basic needs assistance, and social/recreational opportunities.

Services for Victims of Domestic Violence

Travis County approximately funds services for persons experiencing abuse, neglect, domestic violence, and sexual assault through social service contract investments. Services center around advocacy, crisis management, emergency shelter, transitional housing, and counseling.

Services for Persons Living with HIV/AIDS

Travis County funds services for persons living with HIV/AIDS (PLWA) through social service contract investments. Services center around advocacy, crisis management, emergency shelter, transitional housing, counseling, case management, primary medical care retention, client advocacy, medication adherence assistance, food bank assistance, nutritional counseling, home health, prevention, and support groups. Additionally, Travis County provides other services through health and public health inter-local agreements.

Lead-Based Paint

Prior to contracting for the owner occupied rehabilitation program in PY08, the County will develop procedures to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) and subsequent changes in September, 1999. The procedures will include notification, identification, and treatment, if necessary.

HHS/VS Housing Services Division, which receives funds through State grant funds and the Travis County General Fund, provides limited lead-based paint remediation on houses built before 1978 where small holes in the wall or similar acts that could cause additional possible lead exposure are made.

Specific HOPWA Objectives

Travis County does not receive HOPWA funds at this time.



Travis County

Appendix A: Income Eligibility Limits



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Appendix A: 2008 Income Eligibility Limits

Following HUD's definition, a very low, low and moderate-income household means a household having an income equal to or less than the Section 8 low-income limit for a given household size. For example a family of four is considered a "Very low income" household if their income is less than or equal to \$ 21,350.

The following table summarizes the income limits effective as of February, 2008. The income limits are provided for reference purpose only as they are updated by HUD on an annual basis and only the most current limits are used when determining program eligibility.

<u>ADJUSTED INCOME LIMITS</u> <u>(by Household size)</u>			
	<u>Very Low Income (30 % Limits)</u>	<u>Low Income (50 % Limits)</u>	<u>Moderate Income (80 % Limits)</u>
<u>1 Person</u>	<u>\$14,950</u>	<u>\$24,900</u>	<u>\$39,850</u>
<u>2 Persons</u>	<u>\$17,100</u>	<u>\$28,450</u>	<u>\$45,500</u>
<u>3 Persons</u>	<u>\$19,200</u>	<u>\$32,000</u>	<u>\$51,200</u>
<u>4 Persons</u>	<u>\$21,350</u>	<u>\$35,550</u>	<u>\$56,900</u>
<u>5 Persons</u>	<u>\$23,050</u>	<u>\$38,400</u>	<u>\$61,450</u>
<u>6 Persons</u>	<u>\$24,750</u>	<u>\$41,250</u>	<u>\$66,000</u>
<u>7 Persons</u>	<u>\$26,450</u>	<u>\$44,100</u>	<u>\$70,550</u>
<u>8 Persons</u>	<u>\$28,200</u>	<u>\$46,950</u>	<u>\$75,100</u>

Effective as of February, 2008



Travis County

Appendix B: Public Participation

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Attachment appendix BA:**Summary of Public Participation Process**

Following the guidelines outlined on the Code of Federal Regulation (CFR), Title 24, Part 91.105, and the Citizen Participation Plan approved by Travis County Commissioners Court on April 11, 2006, Travis County HHS/VS actively sought citizen participation during the spring of 2008 for the development of the 2008 CDBG allocation. Public hearings were held at two different times throughout the development of the PY 2008 Action Plan: Needs Gathering Process and the Public Comment on Proposed Usage of Funds. Attachments A, B, and C detail the public participation process.

Attachment A: Public Participation Needs Gathering Process Summary

A total of nineteen (19) residents of the unincorporated areas of Travis County participated in five (5) public hearings held during the months of February and March 2008. The purpose of the hearings was to obtain the public's input on the community development, housing, and public service needs, as well as potential project ideas to address those needs. The first hearing, held at the Commissioner Courtroom, followed a traditional hearing format, while those held in each of the precincts had an information session followed by facilitated discussion. The hearings were held according to the following schedule.

Table 1: Summary of Spring 2008 Public Participation Process

Feb. 19th, 2008 @ 9:00 am	Feb. 21st, 2008 @ 6:30 pm	Feb. 25th, 2008 @ 6:30 pm	Feb. 27th, 2008 @ 6:30 pm	Mar. 3rd, 2008 @ 6:30 pm	February and March 2008
Commissioners Courtroom Travis County Granger Building 314 W. 11th St. Austin, TX 78701	Precinct 1: TNR Satellite Office 9301 Johnnie Morris Road Austin, TX	Precinct 2: Travis County Community Center 15822 Foothills Farm Loop, Bldg D Pflugerville, TX	Precinct 3: West Rural Community Center 8656-A Hwy 71 W., Suite A Oak Hill, TX	Precinct 4: South Rural Community Center 3518 FM 973 Del Valle, TX	Feedback received in writing through the Citizen Participation Form
Two (2) Participants	Six (6) Participants	Zero (0) Participants	Six (6) Participants	Five (5) Participants	2 (Two) Residents

Public Hearing at the Commissioner's Court

During the hearing held at the Commissioner's Court on February 19th, 2008, two persons testified. The first person voiced the need to spend CDBG funds on affordable housing, housing repairs, youth programs and improvements of water services and streets. The second person, the executive director of Austin Habitat for Humanity, asked the court to continue to fund affordable housing through land acquisition, pointing out that almost 50 % of the renters in Travis County pay more than 30 % on their incomes on housing expenses. To read the complete testimonies, please refer to [the section of this appendix titled "Needs Gathering Process: Detailed Testimonies of Public Hearings".](#) ~~5 of this document.~~

Public Hearings in the Precincts

The hearings held in each of the precincts consisted of an informational section and two interactive exercises. The informational section contained background information on CDBG eligible activities, citizen participation processes, and project selection criteria. During the first exercise, participants were asked to choose in which of the Commissioner Court- approved CDBG high priorities the County should invest CDBG monies for the 2008 Action Plan. During the second exercise, residents were asked to identify their community needs and potential project ideas to address those needs.

First Exercise: Ranking Commissioners Court-Approved Priorities

Staff provided a list of the Court approved high priorities on large pieces of paper on the wall. Participants were asked to rank the priorities by placing self-adhesive dots next to the ones they consider most significant. They were specifically asked to 1) assign an orange dot, worth 5 points, to the priority that represents to them the most urgent need or most urgent area of investment, 2) assign a green dot, worth three points, to a priority that represents to them an urgent need, but not necessarily the most urgent need, and 3) assign a purple dot, worth 1 point, to the priority that represents to them an important need, but not as urgent need. To provide additional emphasis, participants were allowed to assign more than one dot to a priority area. The results of the ranking for the 17 residents that participated in the Precincts 1, 3 & 4 hearings and one that participated through the Citizen Participation Form were as follows:

Table 2: Ranking of Commissioners Court-Approved Priorities by Seventeen (178) participants in the Precinct Public Hearings and through the Citizen Participation Form

High Priorities for the 2006-2010 Period	Dots Assigned			Total Points
	Most Urgent (5-point dots)	Urgent (3- point dots)	Important (1-point dots)	
Water/Sewer Improvements	9	7	5	71
Street/Road Improvements	4	5	4	39
Owner Occupied Housing Rehabilitation	2	2	1	17
Youth Services	2	2	1	17
Production of New Owner Housing Units through Land Acquisition	1	2	1	12
Other Public Service Needs*	0	0	3	3
Infrastructure for New Housing Developments	0	0	3	3

When explaining to participants the priorities approved by court for the period 2006-2010, it was clarified that the category “Other Public Service Needs” excludes senior services, employment training, child care services, transportation services, substance abuse services, lead services, and lead hazard screening.

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Table 3: Ranking of Commissioners Court-Approved Priorities by the Seventeen (178) participants (Broken down by Precinct)

High Priorities for the 2006-2010 Period		Dots Assigned			Total Points
		Most Urgent 5-point dots	Urgent 3- point dots	Important 1-point dots	
Water/Sewer Improvements	Precinct 1	1	2	1	12
	Precinct 3	4	2	1	27
	Precinct 4	4	3	3	32
	Total	8	7	5	71
Street/Road Improvements	Precinct 1	4	3	4	33
	Precinct 3	0	2	0	6
	Precinct 4	0	0	0	0
	Total	4	4	4	39
Infrastructure for New Housing Developments	Precinct 1	0	0	0	0
	Precinct 3	0	0	2	2
	Precinct 4	0	0	1	1
	Total	0	0	2	2
Production of New Owner Housing Units through Land Acquisition	Precinct 1	0	0	1	1
	Precinct 3	1	2	0	11
	Precinct 4	0	0	0	0
	Total	1	2	1	12
Owner Occupied Housing Rehabilitation	Precinct 1	0	1	0	3
	Precinct 3	2	1	1	14
	Precinct 4	0	0	0	0
	Total	2	2	1	17
Youth Services	Precinct 1	1	0	0	5
	Precinct 3	0	0	0	0
	Precinct 4	1	2	1	12
	Total	2	2	1	17
Other Public Service Needs	Precinct 1	0	0	0	0
	Precinct 3	0	0	3	3
	Precinct 4	0	0	0	0
	Total	0	0	0	3

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Second exercise: Need/Project Identification

All participants were given several minutes to identify their specific community needs and project ideas including specific locations, cross streets, and any mitigating factors. The specific needs/projects identified are as follows:

Non-Housing Community Development Needs/Projects Identified	Precinct
Water and Wastewater	
<ul style="list-style-type: none"> Residents that live in the FM 1625 area (from 183 to Creedmore) do not have access to public water utilities. They must purchase water by trucking it in to their homes. They are in need of water infrastructure. Participants indicate that Creedmore WSC refuses to provide water to date. 	Precinct 4
<ul style="list-style-type: none"> Water and sewer access are needed at FM 969 and FM 973. Toll 130 is becoming a major highway. The creation of water and sewer services will increase opportunities for new business to be established in the area. Additionally residents state that the addition of water and sewer services will allow for subdivision of land, and as a result affordable housing may increase. 	Precinct 1
<ul style="list-style-type: none"> Water and wastewater services are inadequate in Manchaca. 	Precinct 3
<ul style="list-style-type: none"> Need for assistance with water connection from the house to the public line in the Plainview Estates subdivision. Although Travis County has already funded part of the water-lines infrastructure – each household needs an individual connection from each home to the water-line. Need for public sewer infrastructure in Plainview Estates. Currently the wastewater/sewage is disposed in septic tanks. There is a concern among Plainview Estates residents that the septic tanks will fail with increased water use. 	Precinct 1

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Non-Housing Community Development Activities Needs/Projects Identified	Precinct
Community Centers, Public Libraries and Youth Centers	
<ul style="list-style-type: none"> • Community Center & Youth Center needed near Creedmore. Del Valle Independent School District used to rent their football fields for intra-mural youth football activities. This is no longer the case. • Public Library needed near Creedmore – the nearest public libraries are far away. 	Precinct 4
<ul style="list-style-type: none"> • Community and Youth Center needed in Manor. The construction of a community and youth center in Manor is needed. <ul style="list-style-type: none"> ○ Short term: Initial funds are needed to start up youth services by using the facilities of the Manor Independent School District gym. (MISD has indicated that approx. 38 to 40 % of the youth live in the unincorporated areas). ○ Long Term: Additional funds are needed to build a full-scale community and youth center that would include the provision of transportation services to and from the center. 	Precinct 1
Medical Services	
<ul style="list-style-type: none"> • A Medical Clinic is needed in the FM 973 area and Manor. 	Precinct 1
<ul style="list-style-type: none"> • A Medical Clinic is needed near Creedmore. 	Precinct 4
Transportation	
<ul style="list-style-type: none"> • Commuter rail needed in Manor to increase access to public transportation. • Need to increase access to public transportation in the unincorporated areas, even if privately funded. 	Precinct 1
<ul style="list-style-type: none"> • There is a great need for transportation services for those who do not have consistent access to personal transportation. This service is of particularly urgency for elders and populations with disability or health conditions who need assistance to get to medical appointments and run necessary errands (going to the grocery and drug stores). Because of lack of transportation services, these populations end up isolated in their homes. 	Precinct 3
<ul style="list-style-type: none"> • In the Austin’s Colony and Plainview Estates areas access to public transportation is needed. 	Precinct 1

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Non-Housing Community Development Activities Needs/Projects Identified	Precinct
Roads, Sidewalks	
<ul style="list-style-type: none"> • Need of road expansion/improvement at Lava Lane. There is half a mile of dirt road that needs to be paved, a turnaround for school bus access added as well as lighting. There are 12 households on this road. There are 12 children who must walk at least a half of a mile everyday to be able to catch the bus (Coulver Rd & Lava Lane). The bus does not pick up children in front of their homes because of the bad conditions of the road, and no place to turn the bus around. Walking ½ mile to the bus stop represents a danger to the children because there are snakes in the area, kids encounter dogs, and they are at risk of encountering pedophiles in the area (seven pedophiles have been registered). There is also a blind spot on Coulver Road, the location of the bus stop, with poor signage and no stop sign. Residents cannot afford the costs associated with the substandard road program. Some of the residents are willing to donate land needed for construction of road and turnaround. 	Precinct 4
<ul style="list-style-type: none"> • Need for sidewalks on Hunters Bend Road. 	Precinct 1
<ul style="list-style-type: none"> • There is a need for an additional entrance/exit to enter/leave the Hunters Bend Community as there is only one now. 	Precinct 1
Speed Enforcement	
<ul style="list-style-type: none"> • There is a need for speed enforcement in Hunter Bend Rd and Plainview Estates. Mechanisms for enforcing speed limits could include an increased presence of police officers observing traffic speeds, speed limit signs, and street speedometers that can remind people how fast they are going. • Need for increase patrols from Decker Lake, Manor, Austin Colony, Plainview Estates, Raytex, Chapparral 	Precinct 1

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Public Services Needs/Projects Identified	Precinct
Information on Available Public Services	
<p>An inventory/repository of information on public services available to residents in Manor is needed. Residents were not sure if they had 211 services. If not, expansion of the 2-1-1 helpline that United Way maintains could address the problem.</p>	Precinct 1
Youth Programs	
<ul style="list-style-type: none"> • Expansion of the Stellar Youth and Community program in the unincorporated areas. The contact person is Linda Young who works with the Austin Community College. The program involves the employment training opportunities for youth. 	Precinct 1
<ul style="list-style-type: none"> • Need for youth program/services to keep them active. There is a need for assistance to families who speak multiple languages. 	Precinct 3
Adult Education	
<ul style="list-style-type: none"> • Need for youth and adult education classes such as computer, General Educational Development (GED), and English as a second language (ESL) for populations residing in the Apache Shores, Lakeway, 183 and the 620 area. One possibility for providing these classes could be through a mobile unit adapted for classroom instruction. 	Precinct 3
Physical and Mental Health Services:	
<ul style="list-style-type: none"> • Inadequate access to the Travis County Medical Assistance Program (MAP). It takes months to be able to schedule an appointment. • Lack of health and education opportunities. There is a need for affordable health and fitness opportunities such as those offered by the YMCA centers (swimming pools, saunas). • There is a need for mental health services including home-based services. There is a need for assistance to be able to purchase medication. 	Precinct 3

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Housing Needs/Projects Identified	Precinct
<ul style="list-style-type: none"> • Need for more affordable housing. • Need for repairs of homes particularly manufactured homes that are permanently located. • Need for Supportive Housing for clients with mental health issues. 	Precinct 3

Other Issues Raised	Precinct
<ul style="list-style-type: none"> • The Transportation and Natural Resource is in the process of building a new Center, and during construction, they brought the water infrastructure needed for them. However, they did not consider the broader water infrastructure needs of the area when they knew it was an issue. 	Precinct 1
<ul style="list-style-type: none"> • Look at housing development permitting – Does TNR analyze the increase loads on roads in conjunction with the increased development? 	Precinct 1
<ul style="list-style-type: none"> • Internet Accessibility Study 	Precinct 1

**Attachment B- Needs Gathering Process:
Detailed Testimonies Received during Public Hearings ~~on 2/19/08~~**

Comments Received at the February 19, 2008 Public Hearing

Gus Peña’s testimony Received during Public Hearing on February 19th, 2008

“Judge good morning, Commissioners, Gus Peña. I don't live in the areas that are specified for this funding but I do have family and friends that live out in the areas, one of them where water service needs to be improved. Streets need to be paved, but, you know, I’ve always been supportive of youth services, youth programs for many years, since I was at Johnston high school more than 35, 38, 39 years ago actually, but anyway more funding for affordable housing, that's a given for housing and housing repair.

A lot of units out there are in need of -- of big repair and I also spoke to -- to our former secretary of HUD, Henry Cisneros, who used to be our mayor, the mayor in San Antonio. And I -- I voiced my concern about the concerns that the community had in these areas, not enough funding is being allocated to our area over here. I only speak about our area; I don't speak about any other counties or whatever. But those

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concerns were related to the secretary of HUD. In Washington that we went to Washington on these issues, also, when it first came out last year.

So -- so more money needs to be done, but I think -- I think you all are doing a good job, bringing in as much money as we can so HUD. Can allocate those. As we spoke to the under secretary of HUD., more needs to be done for our community. Having said that, youth services, programs, affordable housing, things mentioned as priorities already, already on the list, but need to be emphasized strongly to improve the quality of life of the people there in those areas.

That's all that I have to say. I was just questioning where it says here administration and planning, 20%, \$166,637. I'm not quite sure what that is all about. If you can explain to the community, also a lot of people do not have computers, do not have capable. So these -- do not have cable, these public hearing notices are not carried to them via any communication method. We can improve that method to communicate to the people they don't know when the public hearings will be held and when that would be most appreciative. Thank you very much."

Michael Willard's testimony Received during Public Hearing on February 19th, 2008

My name is Michael Willard, Executive Director of Austin Habitat for Humanity. I'm here to speak to you today just on the priorities that you all have outlined for the CDBG funding. Let me just echo again or let me just first of all start out by saying thank you for the support that the Commissioners Court has provided Habitat and the acquisition of properties in the past. But what we have been able to do right now is just a small step and what is needed is much more efforts at funding spent on affordable housing in -- in Travis County.

We know that there are almost 50% of the -- of the renters in Travis County are paying more than 30% of their income for the -- for the rental units that they are getting. Now, most of you all know, that -- that if you are paying more than 30% of your income on a rental unit or your housing, you are cost burdened by HUD Standards. Here we're looking at nrjs community that almost half of the folks who are doing the renting are having to pay more than that 30% of their income for housing. The need for affordable housing in our community is great.

We also if we look down the road about the growth of central Texas. We know that more people are coming here, the need for affordable housing for those folks is going to

Draft of Travis County CDBG Program Year 2008 Action Plan

continue to go up. As we look into the future. So I ask you today to continue to fund affordable housing in terms of the acquisition of land, providing the infrastructure and the development of units as part of your CDBG plan.

*The source of this transcript is the closed-captioned text version of the Travis County Commissioners Court. The comments were taken from the Travis County web site prior to the minutes being approved. Slight changes may occur once the certified minutes are available, though the integrity and intent of the comment will not change.

Attachment B: Public Comment Summary

Every year during the development of the Annual Action Plan, a 30-day public comment period is held to receive comments on the proposed uses of CDBG funds along with two public hearings held at the Travis County Commissioners Court.

On June 17, 2008, the Travis County Commissioners Court approved the PY 08 Action Plan and a substantial amendment to the PY 2006 Action Plan. During the week of June 2, 2008 or June 9, 2008, and depending upon the newspaper, Travis County published a Public Notice announcing and summarizing the proposed PY08 Action Plan and Substantial Amendment to the PY06 Action Plan. A copy of the public notice follows this summary.

The notice appeared in several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period commenced June 25, 2008, and ended July 26, 2008. Two public hearings were held at the Travis County Commissioners Courtroom during the 30—day public comment period on July 1, 2008, and July 22, 2008, to receive testimony for the PY08 Action Plan and the PY06 Substantial Amendment.

A total of three public comments were received on the draft of the PY 2006 Substantial Amendment and PY08 Action Plan. Two people testified at the July 1, 2008, public hearing. No one testified at the July 22, 2008, public hearing and one written comment was received during the 30- day public comment period.

A summary of the comments and interests include:

- Continue to support the expansion of affordable housing in the community.
- Consider a lease purchase program to assist persons in building credit and accessing affordable housing.
- Consider funding the construction of the Lava Lane improvements after the design phase is complete.
- Consider funding the connections to water and the design and construction of a wastewater system for Plainview Estates.

The Plainview Estates residents are included in the water/wastewater planning project for PY07 & PY08. Affordable housing expansion and street improvements are included in all three plan years thus far. All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan. Detailed comments received during the 30 day public comment period and public hearings are listed below.

Public Comment Period:
Detailed Testimonies Received during Public Hearings

Comments Received at the July 1, 2008 Public Hearing

***Gus Peña's testimony Received during Public Hearing on July 1st, 2008**

This is Gus Peña. I think that I have spoken to the issue before. Habitat for Humanity is an outstanding initiative, they provide true affordable housing. Our program is green space to be able to build homes. In the course of the last six months we have been in contact with the secretary of HUD, visited his office, the new one, also the San Antonio's HUD Department with the help of former mayor Henry Cisneros, former secretary of HUD, also my cousin Frederico Peña, the reason being that we need more affordable housing and let's make it real clear what affordable housing is. Some of this funding is appropriate, 41 homes is good, outstanding, a good start because there are a lot of people that can't afford a home and cannot afford a home but we should be able to place them, get them off the streets.

One thing that I would, I don't know if this fits the criteria, but if I could ask you Judge and Economics Commissioners, there used to a program called rent to purchase, two years to rebuild your credit or clean up your credit, that was an outstanding true blue proven program, if we could have that, something like that, you could have more people qualify, they are working, of course, in order to pay the mortgage. This would help out people be placed into homes also, affordable homes.

Keep up the good work. I asked the Secretary's office in San Antonio and Washington to give us more money. There's a big need over here. I know there's a need nation-wide, I'm from Austin, Texas, Travis County, we need more money for this program. I think that it's outstanding. We call it the rural area, now unincorporated, Cindy and I were talking about it, these are the things that are helpful, very helpful thank you for your leadership.

***Joel Rebollar's testimony Received during Public Hearing on July 1st, 2008**

Good morning, my name is Joel, I'm a constituent of precinct 4. I would like to tell you all first of all thank you for -- for voting on may 27th to approve on the substantial amendment for the 2006 plan that she was talking about.

The thing that I would like to add on to what she was saying, on behalf of the entire community because a bunch of them are taking care of kids and so forth, I would like to ask the Commissioners court to please take into consideration the funding for just the

Draft of Travis County CDBG Program Year 2008 Action Plan

construction of this road of lava lane within the next two years if possible. Just for the major fact being that our community is growing a lot bigger.

There's more kids attending school. And we really do need those public services such as the bus going up into that road. We took some of the -- we took Christie out there and it's .8 miles just to the -- to the bus stop. So we got a little six-year-old, I believe seven-year-old now this year that has to walk .8 all the way to the bus stop because we don't have that road improvement. We did talk to Ms. Gomez, thank you for taking that time, we would like to ask you all to take that into consideration because it is very necessary, as well as other improvements like you all have the production of new home unit like myself, you know, if you all can just from all of us and on Lava Lane, if you all can please take consideration for the construction of lava lane, thank you.

*The source of this transcript is the closed-captioned text version of the Travis County Commissioners Court. The comments were taken from the Travis County web site prior to the minutes being approved. Slight changes may occur once the certified minutes are available, though the integrity and intent of the comment will not change.

Comments Received at the July 22nd Public Hearing

No comments were received during the July 22nd public hearing.

Public Comment:

Written Comments Received during the Comment Period

Written Comments Received

Via email from Connie Gonzales on 7/26/08 at 5:06 pm

To whom it may concern,

On behalf of the residents of Plain View Estates this public comment comes in support for CDBG funding water and wastewater services in our neighborhood.

Starting in 2000 when our wells started going dry in Plain View Estates, forty families in our neighborhood have been without running water. We successfully came together with Santa Barbara Catholic Church and Austin Interfaith to fix this problem. We worked with Hudson Bend Utility Company and also with Travis County who invested nearly \$600,000 toward hooking us up to water lines. Since then, two families have been able to connect to the water meters, while the remaining 38 are working hard to raise the funds needed to cover the tapping fees, materials, and labor for connecting each house to running water. Unfortunately, the cost of completing this project has gone up

Draft of Travis County CDBG Program Year 2008 Action Plan

substantially from the original estimate of \$510 per residence. However, we continue to work together to ensure that all of us are able to get running water as soon as possible.

In addition, we also are looking ahead to coming years when we know that we will need wastewater service at our residences. Therefore, it is our collective request that financial support be assigned to fund two projects in our community. First, funds are needed to connect the remaining 38 families to water meters. Second, we request funding for infrastructure and connection fees for waste water services for all families in Plain View Estates.

It is prudent that this happens so that we can live as everyone else does in our area of Travis County .

Connie H. Gonzales

Spokesperson for residents of Plain View Estates and Santa Barbara Catholic Church Leader with Austin Interfaith

Public Comment: Public Notice in Newspaper of General Circulation



*Travis County Community Development Block Grant Program (CDBG)
Public Notice: Invitation to Comment on the drafts of
Travis County CDBG Program Year 2008 Action Plan and a
Substantial Amendment to the Program Year 2006 Action Plan*

Travis County is eligible to receive an estimated \$833,133 from the United States Department of Housing and Urban Development (HUD) in the form of a Community Development Block Grant (CDBG). HUD awards these grants to communities to carry out a variety of community development activities aimed at revitalizing neighborhoods, improving affordable housing options, and providing improved community facilities and services. Travis County's CDBG allocation targets the unincorporated areas of the county.

In accordance with Federal Guidelines, Travis County officials and staff are requesting public comment on the drafts of two CDBG documents:

- ⇒ The Action Plan for Program Year 2008
- ⇒ The change of projects for the Program Year 2006 Action Plan The drafts of the Action Plans are the second step following the needs identified through the public hearings held in February and March of 2008.

Comments will be accepted for 30 days beginning June 25th, 2008 at 8:00 a.m. and ending July 26th, 2008 at 5:00 p.m. Drafts of the Plans as well as summaries of the Plans are

Draft of Travis County CDBG Program Year 2008 Action Plan

available for review, beginning June 25th, 2008 at the Travis County website www.co.travis.tx.us or at the following locations:

<u>South Rural Community Center:</u>	<u>3518 FM 973, Del Valle</u>
<u>Travis County Community Center:</u>	<u>15822 Foothills Farm Loop, Bldg D, Pflugerville</u>
<u>West Rural Community Center:</u>	<u>8656-A Hwy 71 W., Suite A, Oak Hill</u>
<u>Northwest Rural Community Center:</u>	<u>18649 FM 1431, Jonestown</u>
<u>East Rural Community Center:</u>	<u>600 W. Carrie Manor, Manor</u>
<u>Palm Square Community Center:</u>	<u>100 N. IH-35, Suite 1000, Austin</u>
<u>Post Road Community Center:</u>	<u>2201 Post Road, Suite 101, Austin</u>

Public Hearings will be held to receive comments:

<u>Location:</u>	<u>Dates & Times:</u>
<u>Travis County Granger Building</u>	<u>Tuesday, July 1, 2008 at 9:00 AM</u>
<u>Commissioners Courtroom</u> <u>314 W. 11th St, Austin, TX</u>	<u>Tuesday, July 22, 2008 at 9:00 AM</u>

Comments may also be received in writing via mail or e-mail to: CDBG Program, Travis County HHSVS, P.O. Box 1748, Austin, TX 78767 or christy.moffett@co.travis.tx.us

Travis County is committed to compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended. Reasonable modifications and equal access to communications will be provided upon request. Please call 854-3460 for assistance.

Attachment C: CDBG Citizen Participation Form (Page 1 of 4)

Ranking of Priorities and Identification of Project Ideas

Travis County is expected to receive funding from the U.S. Department of Housing and Urban Development (HUD) under the federal Community Development Block Grant (CDBG) program. The CDBG program may fund a variety of projects benefiting residents of the unincorporated areas of the county including social service activities, street reconstruction, water and sewer improvements, and preservation of affordable and decent housing among others.

To decide how the monies will be spent for CDBG's Program Year 2008, which starts in October 1st, 2008 and ends in September 30th, 2009 - Travis County is accepting project ideas from residents who can provide their input in a number of ways. Residents can attend one of five public hearings that will be held during the following times and locations:

Feb. 19 th , 2008 @ 9:00 am	Feb. 21 st , 2008 @ 6:30 pm	Feb. 25 th , 2008 @ 6:30 pm	Feb. 27 th , 2008 @ 6:30 pm	Mar. 3 rd , 2008 @ 6:30 pm
Travis County Granger Building Commissioners Courtroom 314 W. 11th St. Austin, TX 78701	TNR Satellite Office 9301 Johnnie Morris Road Austin, TX 78724	Travis County Community Center 15822 Foothills Farm Loop, Bldg D Pflugerville, TX	West Rural Community Center 8656-A Hwy 71 W., Suite A Oak Hill, TX	South Rural Community Center 3518 FM 973 Del Valle, TX

Residents who are not able to attend any of the scheduled public hearings can provide their input by filling out this Citizen Participation Form. All the project ideas collected will be compiled along with the results of the public hearings and presented to the Travis County Commissioners Court to assist in the selection of projects for the Program Year 2008.

Enclosed with this form is a presentation that provides an overview of the CDBG program including priority areas, eligible activities and previous project funding history. For additional information about the CDBG program, contact Christy Moffett via email christy.moffett@co.travis.tx.us or phone at 512-854-3460 or visit the Travis County CDBG web page ([www.co.travis.tx.us/health human services/CDBG/](http://www.co.travis.tx.us/health_human_services/CDBG/)), or the HUD website (www.hud.gov).

CDBG Citizen Participation Form (Page 2 of 4)

Ranking of Priorities

On the year 2006, the Travis County Commissioners Court prioritized seven areas for investment of CDBG’s monies. These priorities guide the spending of funds for a five-year period from the year 2006 through 2010.

For the program year 2008, please let us know where you believe dollars need to be spent by ranking the priorities presented below according to the following instructions:

- Assign the letter A to the priority that represents the most urgent need or most urgent area of investment.
- Assign the letter B to the priority that represents an urgent need, but not necessarily the most urgent need.
- Assign the letter C to the priority that represents an important need (not as urgent).

You may assign more than one letter to a given priority area if you would like to provide additional emphasis, however, in total you might only assign the letters A, B and C **ONCE**.

Priorities approved by the Travis County Commissioners Court	<u>Ranking*</u>
Infrastructure for New Housing Developments	
Street and Road Improvements	
Production of New Owner Housing Units via land acquisition	
Owner Occupied Housing Rehabilitation	
Water and Sewer Improvements	
Youth Services	
Other Public Services (excludes senior services, employment training, child care services, transportation services, substance abuse services, health services and lead hazard screening)	

** No more than three categories can be prioritized. If the directions are not followed in this section, the information will not be included in the analysis provided to the Commissioners Court.*

CDBG Citizen Participation Form (Page 3 of 4)

Project Ideas

Project Ideas

Project ideas are accepted at any time throughout the year, however, those received after March, are considered for the subsequent program year. Travis County Commissioners Court selects projects by vote during the month of May or June. The allocation for CDBG's 2008 program year is approximately \$833,185.

Activity:

Please provide ideas for potential projects for program year 2008. Include the type of project (for example, street improvement, public sewer system, etc.) and location (for example, Hill Country Subdivision, 1004-1207 ABC Road).

Project Idea	Location

CDBG Citizen Participation Form ~~(Page 4 of 4)~~

Contact Information

Name:

Address:

Email and/or Phone:

May we contact you if we have questions about any project ideas?

Yes

No

Would you like to receive emails or postal mail notifications about CDBG events?
(Circle One)

Email notices

Postal Mail Notices

Not Interested

Please provide completed form no later than 5 pm on March 3rd to vial email to chirsty.moffett@co.travis.tx.us or postal mail to CDBG Program, Travis County HHSVS, P.O. Box 1748, Austin, TX 78767.

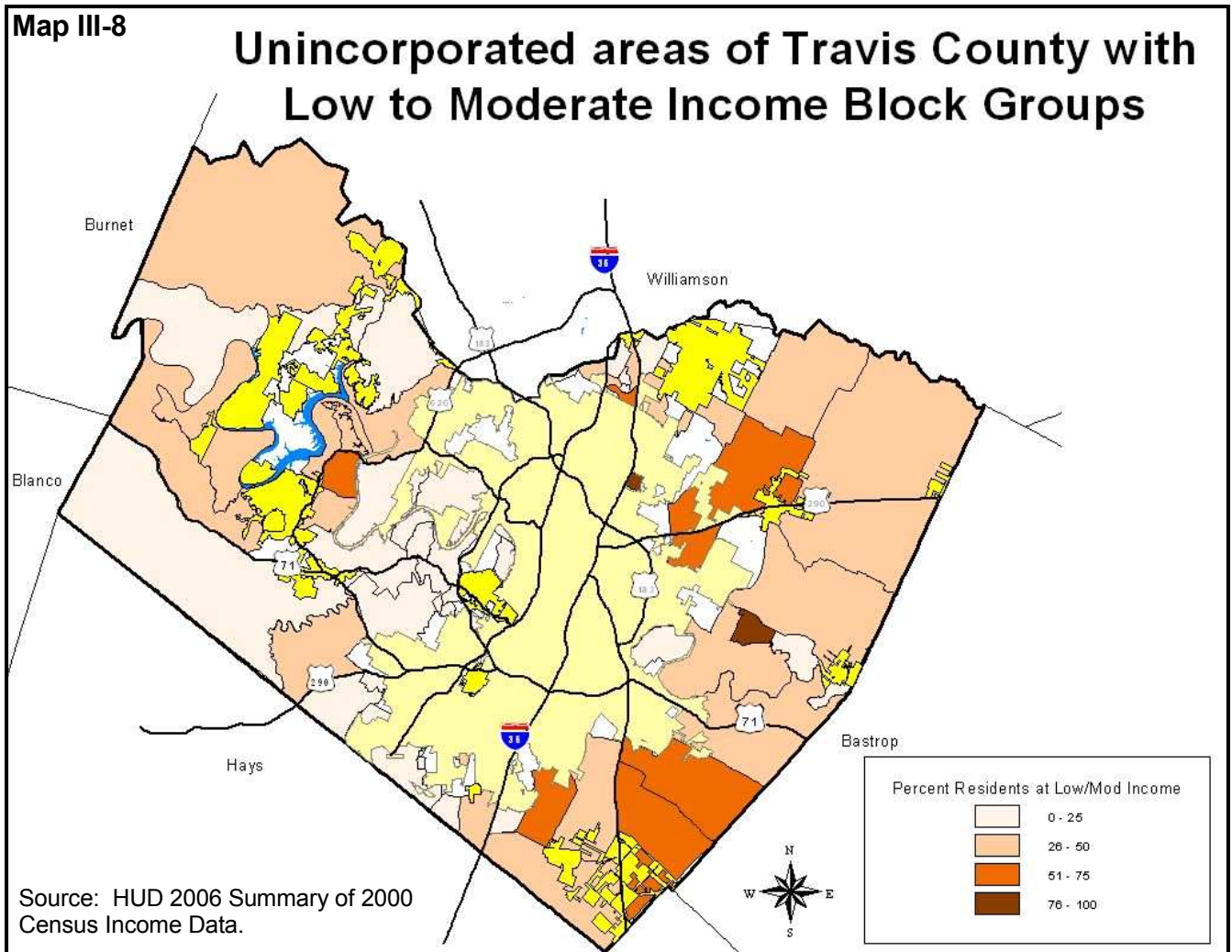


Travis County

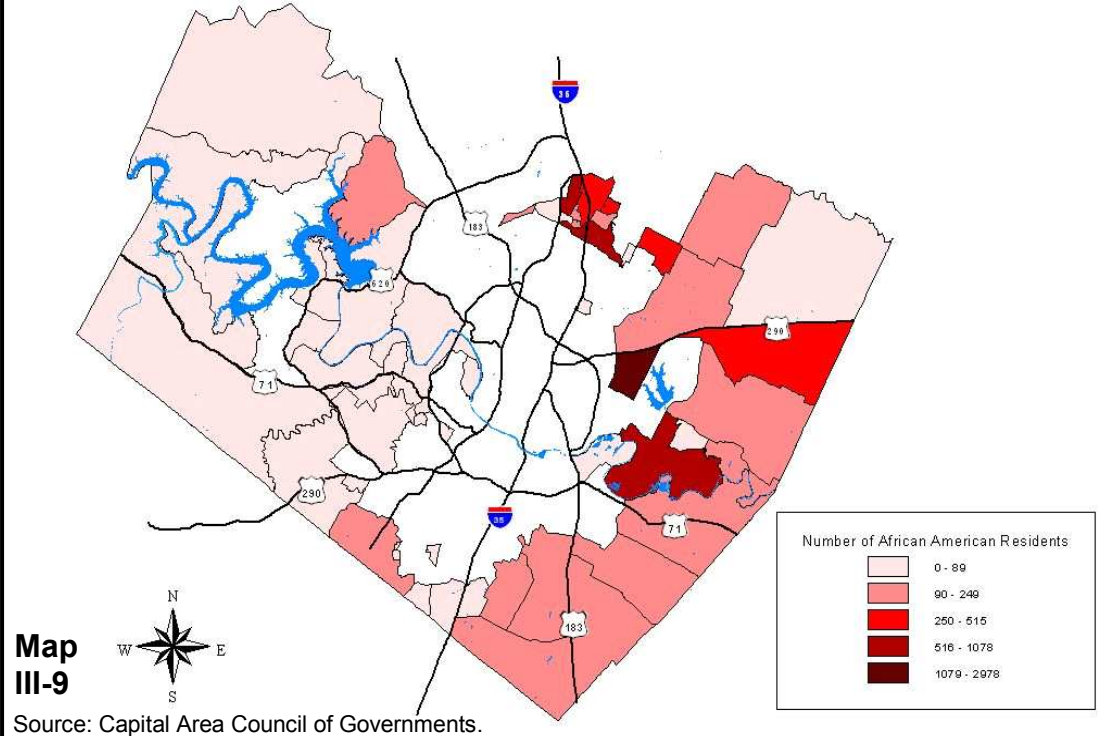
Appendix CB: Maps

Program Year 2008:
(October 1, 2008 – September 30, 2009)
Annual Action Plan

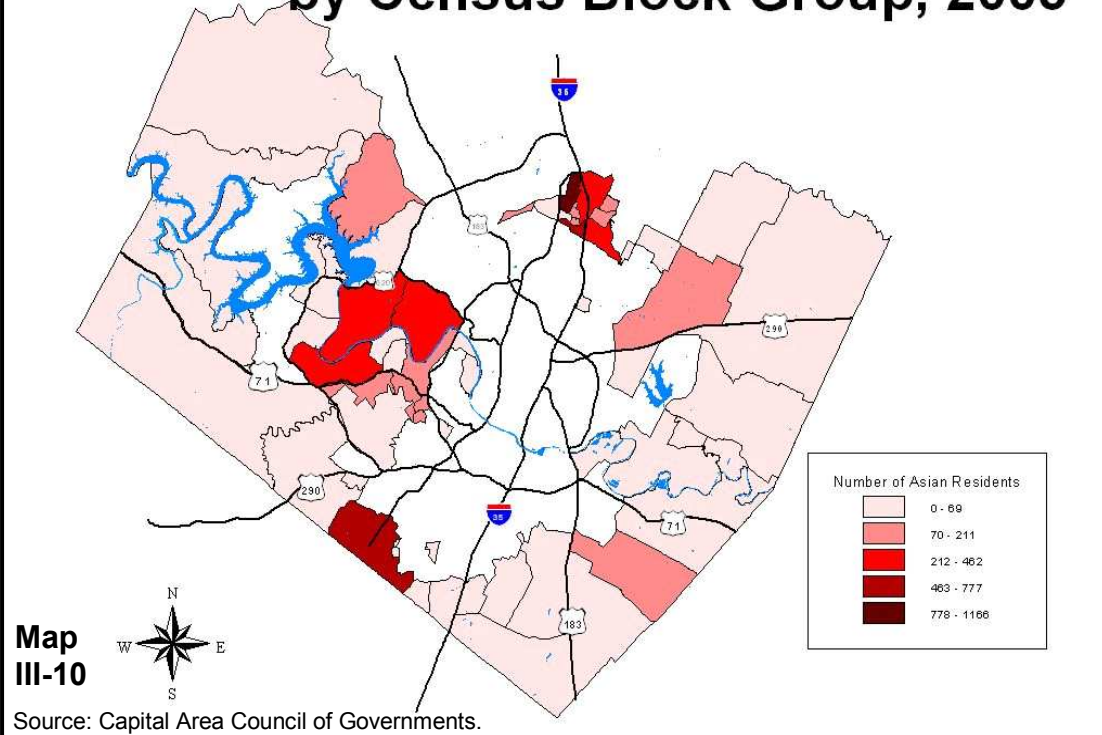


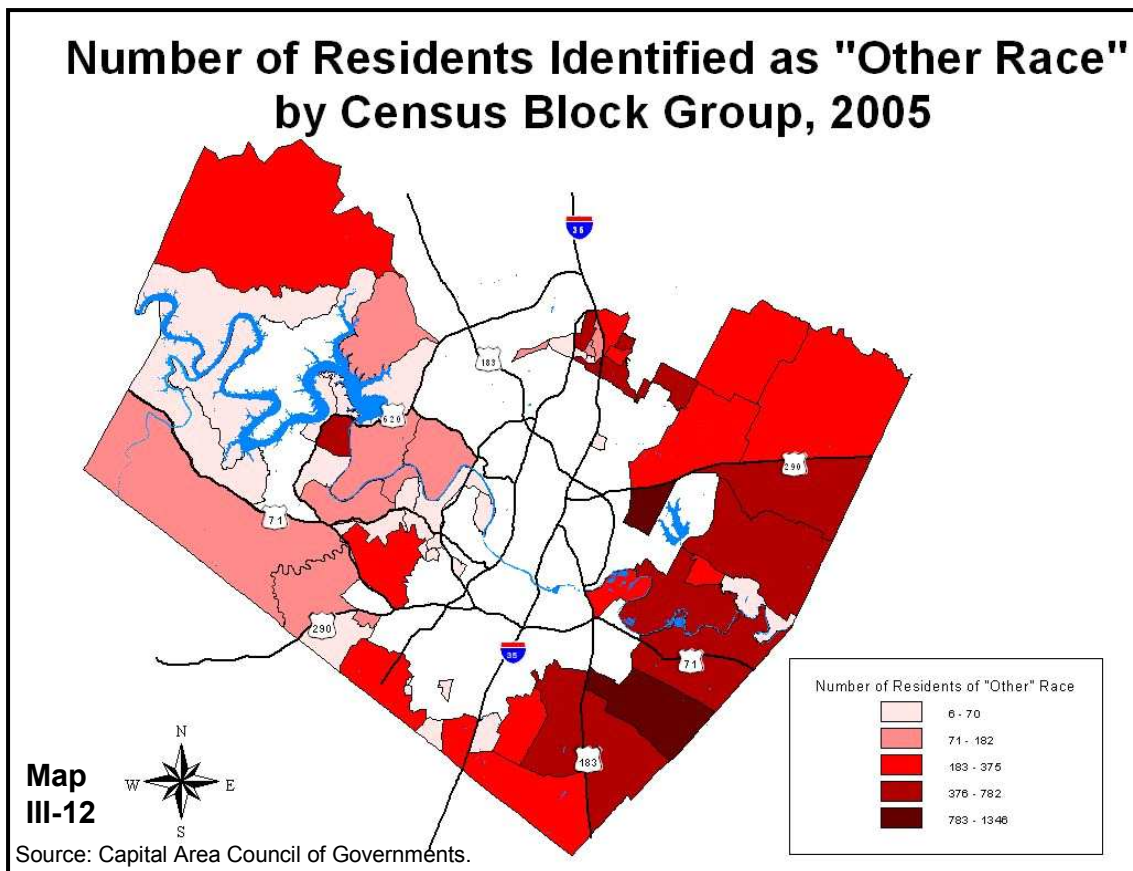
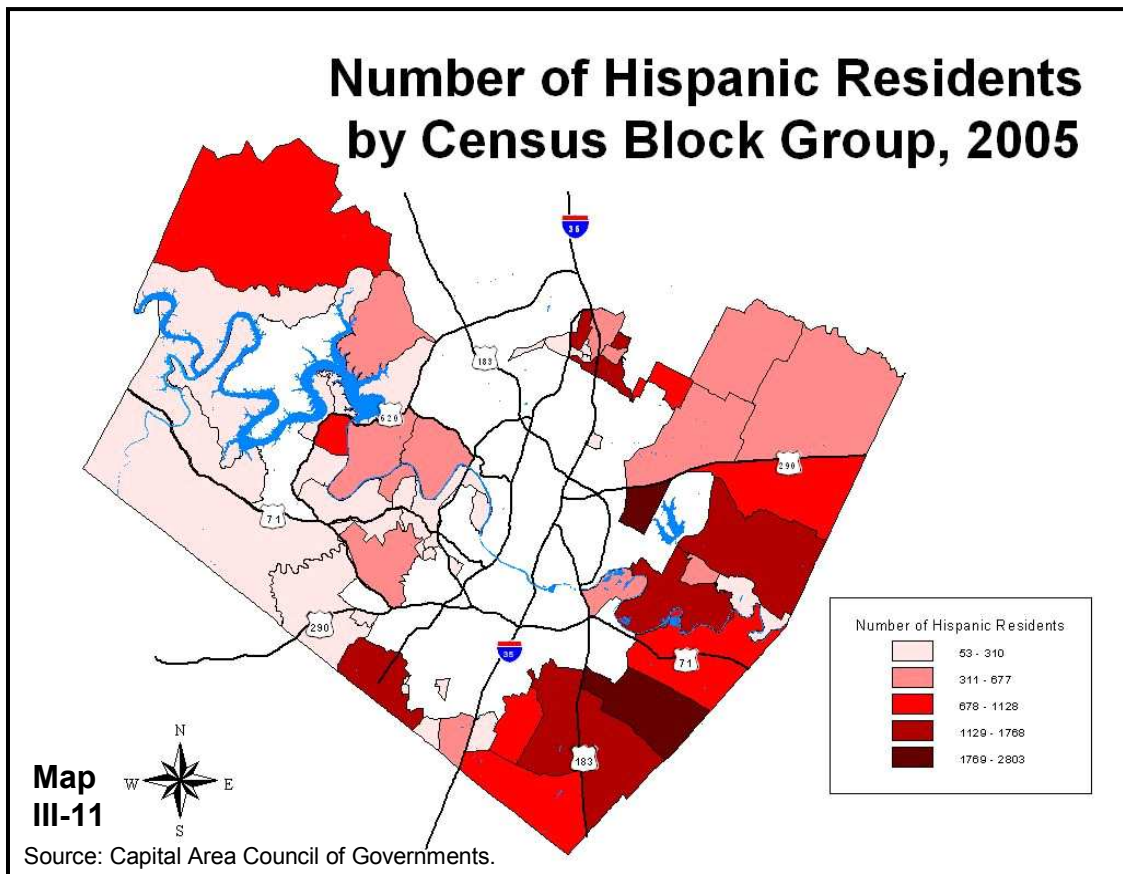


Number of African American Residents by Census Block Group, 2005



Number of Asian Residents by Census Block Group, 2005







Travis County

Appendix **DC**: List of Priorities for the 2006-2010 Period

Program Year 2008:
(October 1, 2008 – September 30, 2009)
Annual Action Plan



-Prepared by Travis County Health & Human Services & Veterans Service

Draft of Travis County CDBG Program Year 2008 Action Plan

Housing Projects	Priority Level
RENTAL HOUSING GOALS	
Production of new units	Medium
Rental Assistance	Medium
Acquisition of existing units	Medium
Rehabilitation of existing units	Medium
OWNER HOUSING GOALS	
Production of new units	High
Homebuyer Assistance	Medium
Acquisition of existing units	Medium
Rehabilitation of existing units	High
Infrastructure to support affordable housing development	High
Community Development Projects	Priority Level
PUBLIC FACILITY	
Senior Centers	Medium
Handicapped Centers	Medium
Homeless Facilities	Medium
Youth Centers	Medium
Child Care Centers	Medium
Health Facilities	Low
Neighborhood Facilities	Low
Parks and/or Recreation Facilities	Low
Parking Facilities	Low
Non-Residential Historic Preservation	Low
Other Public Facility Needs	Medium

Draft of Travis County CDBG Program Year 2008 Action Plan

Community Development Projects	Priority Level
INFRASTRUCTURE (projects)	
Water/Sewer Improvements	High
Street Improvements	High
Sidewalks	Medium
Solid Waste Disposal Improvements	Medium
Flood Drain Improvements	Medium
Other: Erosion Abatement	Medium
Other: Litter Abatement/clearance	Medium
Parks and/or Recreation Facilities	Low
Parking Facilities	Low
Non-Residential Historic Preservation	Low
Other Public Facility Needs	Medium
PUBLIC SERVICE NEEDS (people)	
Senior Services	Medium
Youth Services	High
Employment Training	Medium
Child Care Services	Medium
Transportation Services	Medium
Substance Abuse Services	Medium
Health Services	Medium
Lead Hazard Screening	Low
Crime Awareness	Low
Other Public Service Needs	High

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Community Development Projects	Priority Level
ECONOMIC DEVELOPMENT	
ED Assistance to For-Profits	Low
ED Technical Assistance	Low
Micro-Enterprise Assistance	Low
Rehab; Publicly- or Privately-Owned Commercial/Industrial	Low
C/I Infrastructure Development	Low
Other C/I Improvements	Low
PLANNING	
Assessment and Planning	was not included in the assessment of ranking



Travis County

Appendix **ED**: Certifications

Program Year 2008:
(October 1, 2008 – September 30, 2009)
Annual Action Plan



-Prepared by Travis County Health & Human Services & Veterans Service



ACTION PLAN CERTIFICATION

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - o The dangers of drug abuse in the workplace;
 - o The grantee's policy of maintaining a drug-free workplace;
 - o Any available drug counseling, rehabilitation, and employee assistance programs; and
 - o The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
 - o Abide by the terms of the statement; and
 - o Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted –
 - o Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - o Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

Draft of Travis County CDBG Program Year 2008 Action Plan

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2008 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Draft of Travis County CDBG Program Year 2008 Action Plan

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

__/__/2008

Signature/Authorized Official

Date

Samuel T. Biscoe

Name

County Judge

Title

P.O. Box 1748

Address

Austin, TX 78767

City/State/Zip

512/854-9555

Telephone Number

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

NOT APPLICABLE

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

Draft of Travis County CDBG Program Year 2008 Action Plan

- This certification does not apply.
- This certification is applicable.

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

NOT APPLICABLE

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

Draft of Travis County CDBG Program Year 2008 Action Plan

- This certification does not apply.
 This certification is applicable.

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

NOT APPLICABLE

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- | |
|---|
| <input checked="" type="checkbox"/> This certification does not apply. |
| <input type="checkbox"/> This certification is applicable. |

ESG Certifications

I, _____, Chief Executive Officer of **Error! Not a valid link.**, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

1. The requirements of 24 *CFR* 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.
2. The building standards requirement of 24 *CFR* 576.55.
3. The requirements of 24 *CFR* 576.56, concerning assurances on services and other assistance to the homeless.
4. The requirements of 24 *CFR* 576.57, other appropriate provisions of 24 *CFR* Part 576, and other applicable federal laws concerning nondiscrimination and equal opportunity.
5. The requirements of 24 *CFR* 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
6. The requirement of 24 *CFR* 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
7. The requirements of 24 *CFR* Part 24 concerning the Drug Free Workplace Act of 1988.
8. The requirements of 24 *CFR* 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.
9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 *CFR* 76.56.

Draft of Travis County CDBG Program Year 2008 Action Plan

- 10. The requirements of 24 *CFR* 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related authorities as specified in 24 *CFR* Part 58.
- 11. The requirements of 24 *CFR* 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
- 12. The new requirement of the McKinney-Vento Act (42 *USC* 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.
- 13. HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

NOT APPLICABLE

Signature/Authorized Official

Date

Name

Title

Address

~~Draft of~~ Travis County CDBG Program Year 2008 Action Plan

City/State/Zip

Telephone Number

Draft of Travis County CDBG Program Year 2008 Action Plan

- This certification does not apply.
- This certification is applicable.

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

3. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
4. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)
Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
Palm Square Building	100 N. IH 35	Austin	Travis	TX	78701
Granger Building	314 W. 11th	Austin	Travis	TX	78701
Executive Office Building	411 W. 13th	Austin	Travis	TX	78701
East Rural Community Center	600 W. Carrie Manor	Manor	Travis	TX	78653
South Rural Community Center	3518 FM 973	Del Valle	Travis	TX	78617

9. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:
 - o All "direct charge" employees;
 - o all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
 - o temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).



Travis County

Community Development Block Grant Program:

Improving the Affordability,
Accessibility and Sustainability
of Neighborhoods and
Community Services

Substantial Amendment to the
Annual Action Plan for
Program Year 2006:
August 2008



Prepared by Travis County Health & Human Services & Veterans Service

Drafted **7/28/08**

Approved by TCCC _____

Approved by HUD _____

Travis County Commissioners Court

Samuel T. Biscoe
Travis County Judge

Ron Davis
County Commissioner, Precinct One

Sarah Eckhardt
County Commissioner, Precinct Two

Gerald Daugherty
County Commissioner, Precinct Three

Margaret Gómez
County Commissioner, Precinct Four

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Standard Form 424

The SF 424 is part of the CPMP **Error! Not a valid bookmark self-reference.** Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

Date Submitted	08/13/08	Applicant Identifier	Type of Submission	
Date Received by state	n/a	State Identifier	Application	Pre-application
Date Received by HUD	08/13/08	Federal Identifier	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Construction
		746000192	<input type="checkbox"/> Non Construction	<input type="checkbox"/> Non Construction
Section VI: Applicant Information				
Jurisdiction	Travis County		UOG Code	TX489453
Street Address Line 1	P.O. Box 1748		Organizational DUNS	030908842
			Organizational Unit	Travis County Commissioners Court
City	Austin	Texas	Department	Health and Human Services
ZIP	78767	Country	U.S.A.	Executive Manager's Office
Employer Identification Number (EIN):			County	Travis
74-6000192			Program Year Start Date (MM/DD)	10/01/06
Applicant Type:			Specify Other Type if necessary:	
Local Government: County			Specify Other Type	
Section VII: Program Funding			U.S. Department of Housing and Urban Development	
Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding				
Community Development Block Grant			14.218 Entitlement Grant	
CDBG Project Titles Substandard Road Street Improvements, Owner and Rental Housing: Production of New Units, North Ridge Acres Water/Sewer Project			Description of Areas Affected by CDBG Project(s) Unincorporated areas of Travis County	
\$CDBG Grant Amount	838,659	\$Additional HUD Grant(s) Leveraged	400,000	Describe Williamson County - \$150,000 (CDBG), and Office of Rural Community Affairs - \$250,000 (CDBG/Non-Border Colonia Grant) for North Ridge Acres
\$Additional Federal Funds Leveraged			\$Additional State Funds Leveraged	
Texas Water Development Board - \$1.3 million for North Ridge Acres			0	
\$Locally Leveraged Funds			\$Grantee Funds Leveraged	
0			\$272,000 (In- Kind and General Fund for North Ridge Acres)	
\$Anticipated Program Income			Other (Describe)	
0				
Total Funds Leveraged for CDBG-based Project(s) \$ 1,972,000				
Home Investment Partnerships Program			14.239 HOME	

Travis County Program Year 2006 Action Plan, August 2008 Amendment

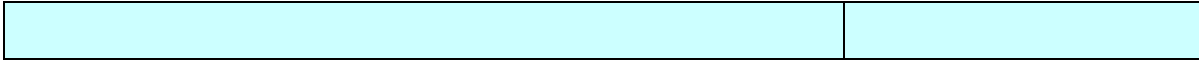
HOME Project Titles N/A		Description of Areas Affected by HOME Project(s)	
\$HOME Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOME-based Project(s)			

Housing Opportunities for People with AIDS		14.241 HOPWA	
HOPWA Project Titles N/A		Description of Areas Affected by HOPWA Project(s)	
\$HOPWA Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOPWA-based Project(s)			

Emergency Shelter Grants Program		14.231 ESG	
ESG Project Titles N/A		Description of Areas Affected by ESG Project(s)	
\$ESG Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for ESG-based Project(s)			

Congressional Districts of:		Is application subject to review by state Executive Order 12372 Process?	
Applicant Districts 10,21 and 25	Project Districts 10, 21 and 25		
Is the applicant delinquent on any federal debt? If "Yes" please include an additional document explaining the situation.		<input type="checkbox"/> Yes	This application was made available to the state EO 12372 process for review on DATE
		<input type="checkbox"/> No	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Program has not been selected by the state for review

Person to be contacted regarding this application		
First Name Samuel	Middle Initial T	Last Name Biscoe
Title County Judge	Phone 512/854-9555	Fax 512/854-9535
eMail Sam.Biscoe@co.travis.tx.us	Grantee Website www.co.travis.tx.us	Other Contact: Sherri E. Fleming and Christy Moffett P: 512/854-4100 F: 512/854-4115
Signature of Authorized Representative		Date Signed



Summary of Substantial Amendment to Program Year 2006 Action Plan

Every year, the progress of projects from previous Action Plans is evaluated to determine if any changes to funding or the deletion or addition of projects needs to occur. As outlined in Travis County’s Citizen Participation Plan, a substantial amendment occurs when any project’s funding is changed by 25% or more or if a new project is funded. Any substantial amendment must go through a 30- day public comment period as well as hold one public hearing.

On May 27, 2008, the Travis County Commissioners Court approved a substantial amendment to the PY 2006 Action Plan. The change to the PY 2006 Action Plan includes the deletion of the Family Support Services (FSS) Social Work Expansion program, which received \$83,659 and the addition of a project to provide the design, engineering and environmental review for a Road Improvement Project for Lava Lane located in Precinct 4.

Due to the difficulty of hiring staff to provide the Social Work Services, no funds from the PY 2006 program year were spent on the FSS Social Work Expansion project. The project is currently underway using the funds allocated in PY 2007. The reprogramming of the PY 2006 unused funds to another project allows for timelier spending of dollars. Additionally, due to an annual limit on the amount of money spent on public service projects established by HUD, the funds must be reprogrammed to a community development project. The proposed community development project includes:

- 1. Design of A Substandard Road Improvement Project (\$83,659) –** The project funds the design, engineering and environmental review for the improvement of the unaccepted portion of Lava Lane, a road in Precinct 4. The improvements to this substandard road will provide a new durable road that will allow property owners, school busses, mail service providers, and emergency service providers to have all-weather access to the properties. Additionally, the improvements will allow the road to meet County roadway standards so that it can be accepted onto the County system for future maintenance and traffic safety enforcement.

Travis County Transportation and Natural Resources Department (TNR) will be the project manager and the design, engineering, and environmental work will be provided by consultant contract. The impact of the project will be 20 households.

Executive Summary

The 2006-2007 program year marks the first year of Travis County's five-year Consolidated Plan. In accordance with Section 91 of 24 CFR, Travis County is submitting its first Consolidated Plan. The consolidated planning process combines the application, planning, and reporting requirements for the Community Development Block Grant (CDBG).

As an Urban Entitlement County, Travis County must comply with the Consolidated Plan requirements in order to receive funding for these formula-based HUD programs. Designated as the lead agency by the Travis County Commissioners Court, the Health and Human Services & Veterans Service Department (HHS/VS) prepares and submits this Consolidated Plan to HUD. HHS/VS oversees the public notification process, approval of projects, and the administration of these grants.

A series of public hearings occurred throughout the development of the Consolidated Plan beginning in April 2006. On the week of June 12th, 2006, Travis County published a Public Notice announcing and summarizing the proposed 2006-2010 Consolidated Plan and the Action Plan for FY 2007 in several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period began on June 28, 2006, and ended July 27, 2006.

Due to an error in the amount initially allocated to Travis County by HUD, Travis County's allocation was reduced from \$2,449,337 to \$838,659. Due to the scope of the reduction, the substantial amendment process was initiated.

On the week of October 30, 2006, Travis County published a Public Notice announcing and summarizing the proposed substantial amendment to the 2006-2010 Consolidated Plan and the Action Plan for FY 2007. The notice appeared in several area newspapers that target the unincorporated areas of Travis County. The 15-day public comment period commenced November 15, 2006, and ended November 29, 2006.

After the implementation of Year One began, staff assessed the progress of each project and made recommendations to the Travis County Commissioners Court to substantially amend the Year One (PY06) Action Plan. The substantial amendment process was instituted due to the deletion of the Youth and Family Assessment Center Flex Fund Expansion, a public service project. The services to 30 youth will still be provided, but through the Travis County General Fund. In addition, timelines for projects were updated and more detailed information was provided for the Substandard Road Street Improvement project located in Apache Shores and the Land Acquisition Project with Habitat for Humanity.

During the week of June 4, 2007, Travis County published a Public Notice announcing and summarizing the proposed substantial amendment to the PY06 Action Plan. The notice appeared in

Travis County Program Year 2006 Action Plan, August 2008 Amendment

several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period commenced June 20, 2007 and ended July 19, 2007.

In the Spring of 2008, staff assessed the progress of each project in the PY 2006 Action Plan and made recommendations to the Travis County Commissioners Court to substantially amend the Year One (PY06) Action Plan. The substantial amendment process was instituted due to the deletion of the Family Support Services Social Work Expansion, a public service project. The funds, originally allocated to the public service project, were reprogrammed by creating a new community development project.

During the week of June 9, 2008, Travis County published a Public Notice announcing and summarizing the proposed substantial amendment to the PY06 Action Plan. The notice appeared in several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period commenced June 25, 2008, and ended July 26, 2008.

The following is the amended Action Plan for FY 2006, the first in the five-year Consolidated Plan for 2006-2010. Each of the programs supports the overall goals and priorities of Travis County's efforts in housing and community development as prioritized in the five-year Consolidated Plan process.

Through the citizen participation process, Travis County staff informed the community of the purpose and intent of its CDBG allocation, in order to ensure that citizens had time to comment on a proposed project located in their neighborhood. Any projects proposed for which specific activities or locations have not yet been identified will have additional public hearings during PY 2006 in order to inform Travis County citizens of the intended use of funds.

After considering the housing, community development and public service needs of Travis County's low- to moderate-income residents as identified in the Housing Needs Assessment, Market Analysis, and citizen engagement, Travis County Commissioners Court identified the following national goals as its focus for CDBG funds for the five year time period:

1. Decent Housing:

- Assisting low- and moderate-income persons obtain affordable housing

2. A Suitable Living Environment:

- Improving the safety and livability of neighborhoods and
- Increasing access to quality public and private facilities and services

Travis County's CDBG dollars target the unincorporated areas of Travis County with no consortium cities included. At this time, Travis County's urban county entitlement status does not require city participation. This is an unusual circumstance and makes the projects, work and structure of the CDBG program within Travis County unique.

Proposed Projects for Year One include:

Project	Activities	Amount
Community Development		
1. Owner Housing: Production of new units	Land Acquisition – location to be determined at a later date. (Development	\$250,000

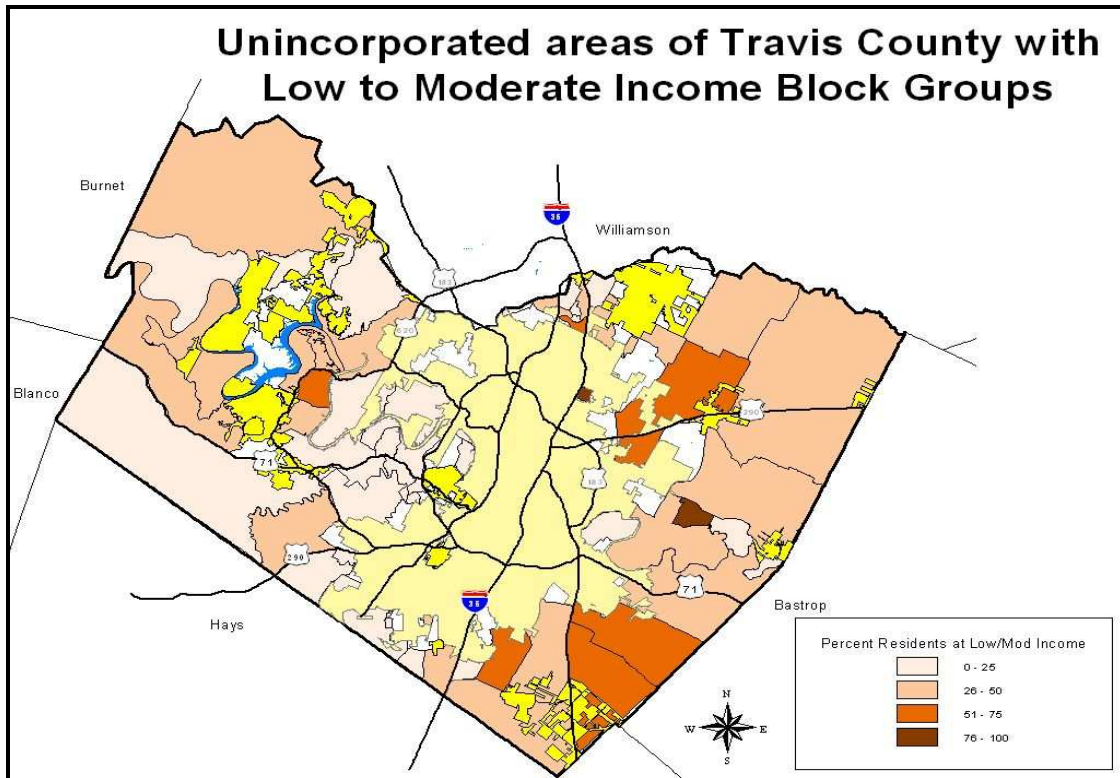
Travis County Program Year 2006 Action Plan, August 2008 Amendment

	of affordable housing by Habitat for Humanity.)	
2. Street Improvements	Substandard Road Improvements to roads in Apache Shores including sections of Pima Trail, Crazyhorse Pass, and Whitebead Trail.	\$305,000
3. Water/Sewer Improvements	North Ridge Acres	\$200,000
6. Street Improvements	Substandard Road Improvement Design, Engineering and Environmental Review for the unaccepted portions of Lava Lane	\$83,659
Subtotal:		\$755,000 \$838,659
Public Services		
4. Youth Services	Youth and Family Assessment Center Flex Fund—Internal Travis County HHS/VS Program Deleted Aug 2007	\$5,000
5. Public Services, Other	Family Support Services Social Work Services Expansion—Travis County HHS/VS Program Deleted Aug 2008	\$83,659
Subtotal:		\$88,659 \$0
Administration and Planning	Travis County will absorb all costs for administration and planning	\$0
Subtotal:		\$0
Total award:		\$838,659

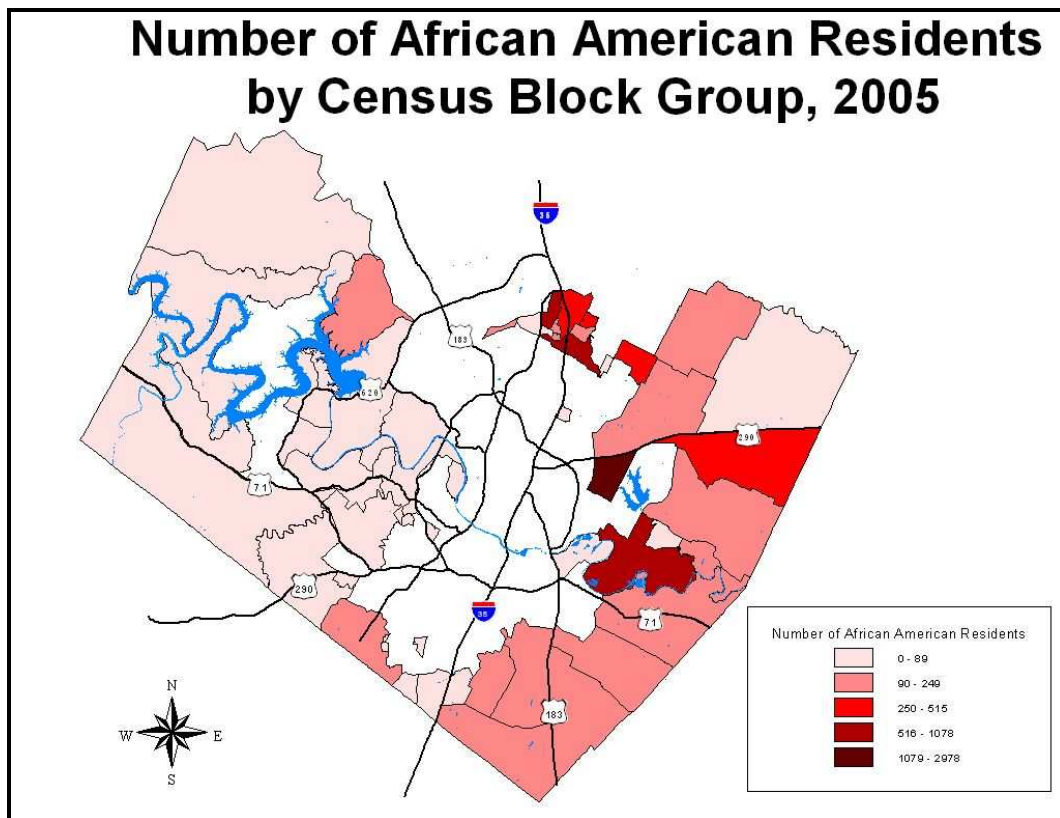
Geographic Areas of the Jurisdiction

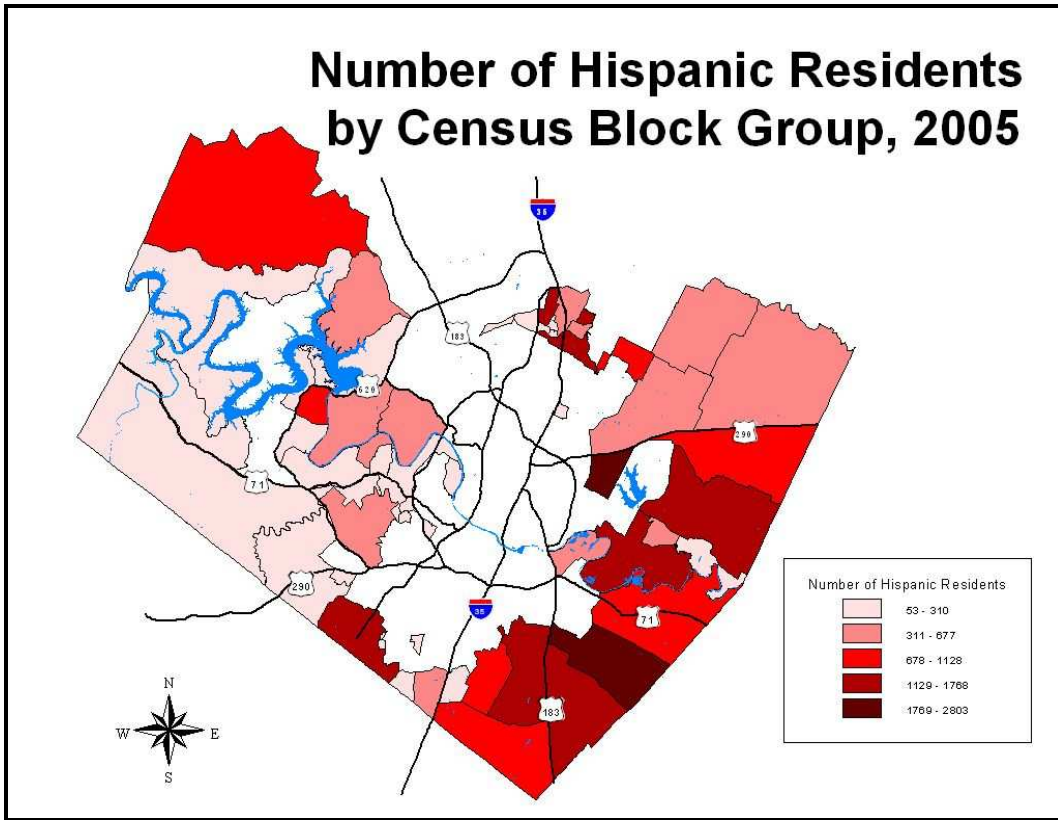
This Action Plan is submitted in accordance with 24 CFR 91.220 as part of the consolidated planning process required of entitlement jurisdictions under certain programs operated by the U.S. Department of Housing and Urban Development. Travis County is an “urban county Entitlement.”

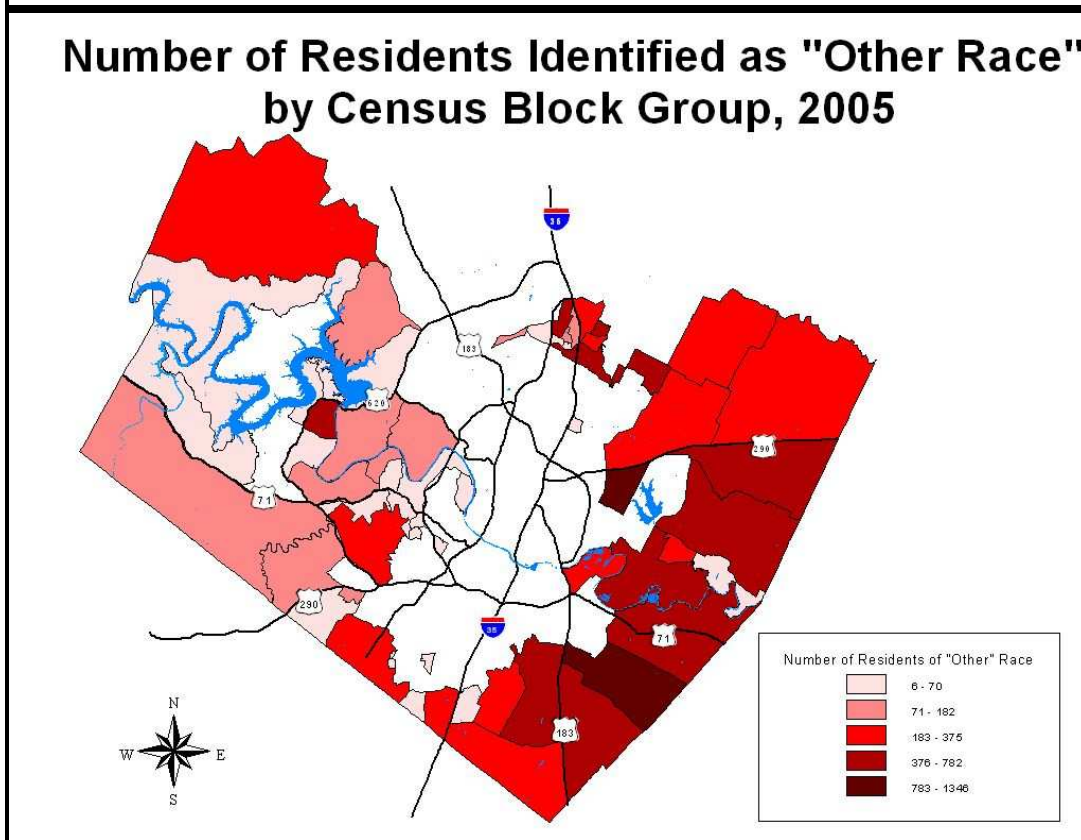
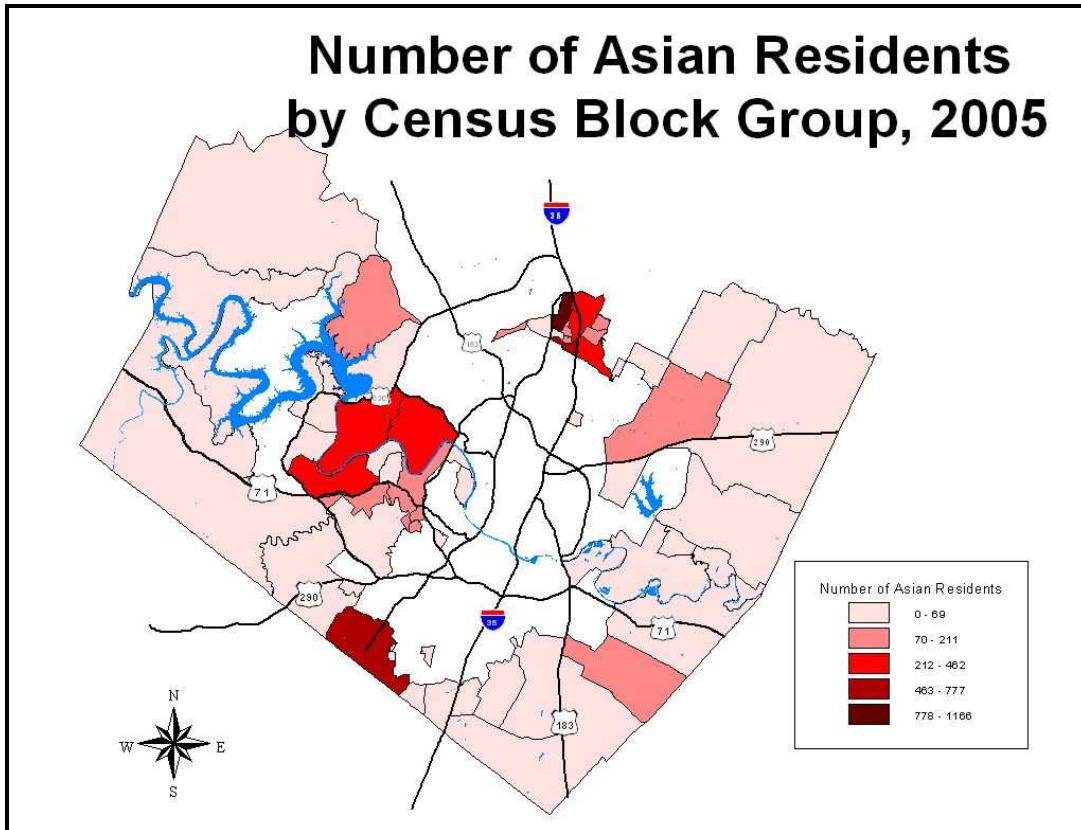
Travis County’s jurisdiction for the funds allocated in this Action Plan includes the unincorporated areas of Travis County. The map below shows the unincorporated areas of Travis County (the areas not shaded in yellow) and the percentage of families at low- to moderate-income by census block group. Travis County does not target specific areas for funding. For specifics on geographical locations of specific projects for PY 2006, please see the project descriptions throughout the Action Plan as areas of services are determined per project. 100% of the allocation will benefit the unincorporated areas of Travis County, with a minimum of 70% of the dollars targeted toward low- to moderate-income families.



The following four maps show concentrations of racial and ethnic minorities in Travis County by census block group.







Meeting Underserved Needs

After considering the housing, community development and public service needs of Travis County's low- to moderate-income residents as identified in the Housing Needs Assessment, Market Analysis, and citizen engagement, Travis County Commissioners Court identified the following national goals as its focus for CDBG funds for the five year time period:

1. Decent Housing:

- Assisting low- and moderate-income persons obtain affordable housing

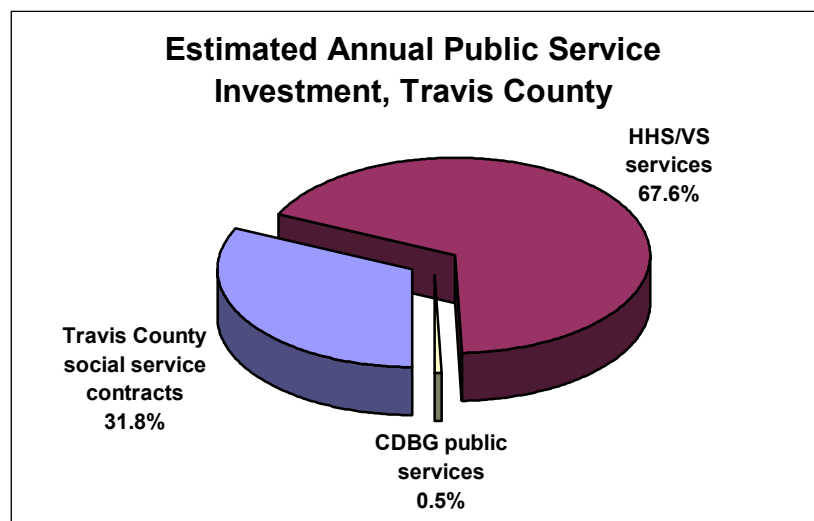
2. A Suitable Living Environment:

- Improving the safety and livability of neighborhoods and
- Increasing access to quality public and private facilities and services

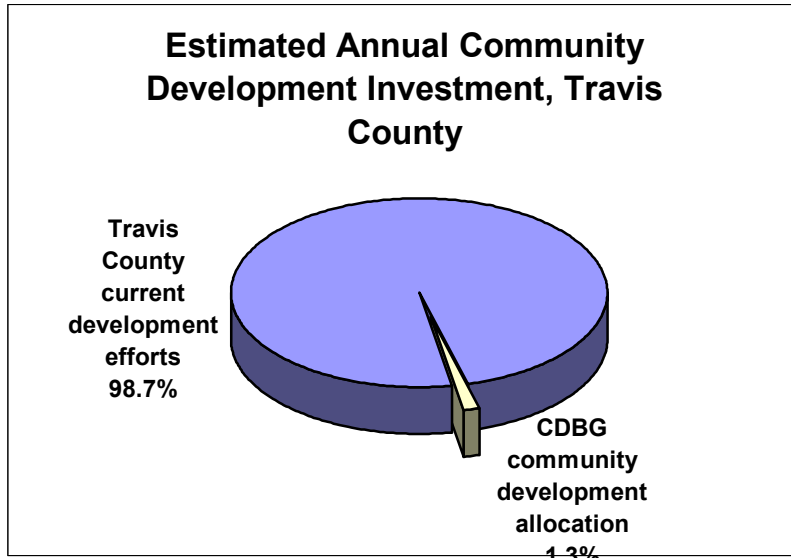
All three national goals are represented in the proposed projects for the amended PY 2006 Action Plan.

Resources Available

The Action Plan focuses on those activities funded through CDBG funds provided to Travis County by HUD on an annual basis. The County is expected to receive approximately \$838,659 for fiscal year 2006-07. At this time, the County does not receive HOME funds. In addition to these funds, the County has other funds that may be used to leverage CDBG money for housing, community development and public service projects.



Public Service Investment: The County currently contracts annually with over 40 non-profits in the form of social service contracts to the sum of approximately \$7,268,700. In addition, the Health and Human Services & Veterans Service Department (HHS/VS) provides direct public services annually in the amount of approximately \$15,442,265. The cap on public service dollars for CDBG is 15% of the County's allocation, or approximately \$125,798 annually. Therefore, CDBG public service dollars equal not more than 0.5% of the County's overall efforts in public services.



Community Development and Affordable Housing Investment: The County’s infrastructure department, Transportation and Natural Resources, conducts community development activities in the form of public park, bridge and drainage projects, storm water management, road maintenance, onsite sewage facilities, transportation planning, and various other projects, totaling approximately \$56,324,900 annually. Housing and Community Development activities using CDBG funds are anticipated to total at least

\$545,128 annually. Therefore, CDBG community development and housing funds equal approximately 1.3% of the County’s overall efforts in community development.

Priority Needs Analysis and Strategies

Priority Needs Determination

The priority needs for housing, homelessness, and non-housing community development efforts were determined using data presented in Section III (*Community Needs*) of Travis County’s Consolidated Plan, and through public hearings, surveys, consultation with County staff, and consultation with housing, community development, and public service providers serving low-to-moderate income residents of the unincorporated areas of Travis County.

Key factors affecting the determination of the action plan priorities included: 1) the types of target income households with greatest need for assistance; 2) those activities that will best address their needs; and 3) the limited amount of funding available to meet those needs.

Priority ranking indicates the following intent:

High Priority: Travis County plans to use funds made available for activities that address this unmet need during the period of time designated in the strategic plan.

Medium Priority: If funds are available, activities to address this unmet need may be funded by Travis County during the period of time designated in the strategic plan. Also, Travis County will take other actions to locate other sources of funds to address this identified unmet need.

Low Priority: The jurisdiction does not plan to use funds made available for activities to address this unmet need during the period of time designated in the strategic plan. The jurisdiction will consider certifications of consistency for other entities’ applications for Federal assistance.

Managing the Process and Institutional Structure

Travis County is located in Central Texas and is home of the State Capitol. Services provided by the County encompass a variety of mandated and non-mandated services. The Travis County Commissioners Court manages the business of the county and comprises four Commissioners and one County Judge.

Administering the Programs

Travis County Health and Human Services & Veterans Service Department (HHS/VS) is the lead department responsible for the administration of the county's CDBG funding. This department has primary responsibility for assessing community need, developing the Consolidated Plan and yearly Action Plans, managing project activities in conjunction with other County departments and other community partners, administering the finances, monitoring and reporting. In addition, HHS/VS administers some CDBG funded public service project activities. HHS/VS reports to the Travis County Commissioners Court for oversight authority.

Other County departments involved in providing services and administering the funds might include Transportation and Natural Resources, Facilities Management, the County Attorney's Office, and the Planning and Budget Office. Contracts will be procured through the County's Purchasing Office, and the County Auditor will audit financial records of the County as well as any sub-recipients used to conduct funded activities. CDBG staff within HHS/VS will work closely with all Departments that are involved to ensure compliance with HUD regulations.

Travis County is a unique urban county. The population of unincorporated Travis County (not including the incorporated small cities, villages, etc.) is large enough to allow the County to be designated as an urban entitlement county. At this time, Travis County's jurisdiction does not include consortium member cities.

Administration and Planning Budget

Due to the reduced allocation, Travis County has chosen to absorb all of the administration and planning costs associated with CDBG. The full award will be used toward community development and public service projects.

Coordination and Collaboration

Effective implementation of the Consolidated Plan involves a variety of agencies. Coordination and collaboration within the Travis County government and between agencies helps to ensure that the needs in the community are addressed.

The citizens of Travis County were instrumental in developing this plan, which is a result of six months of activity by Travis County staff. County staff drew on authoritative sources to provide a quantitative analysis of community needs; conducted five public hearings at which more than 40 people testified; held multiple consultations with service providers from housing, elderly services, youth services, fair housing, Housing Authorities, and other government agencies. Upon presentation of the draft Consolidated Plan, additional comment was received at two public hearings and feedback was received during the public comment period. These comments were considered in the final preparation of the Plan. The substantial amendment process included one public hearing and a fifteen day comment period. Comments related to the amendments made to the Plan are included in Appendix B.

The County is committed to continuing its participation and coordination with federal, state, county, and local agencies, as well as with the private and non-profit sectors, to serve the needs of target income individuals and families in the community.

Travis County will partner with local Community Housing and Development Organizations (CHDOs), non-profits, and other community development and housing providers to explore options for community development and public service projects to best meet the community's need and leverage other federal, state, local and private funding.

In addition, Travis County will partner with the Travis County Housing Authority to explore options for affordable housing development and the development of public housing in the unincorporated areas of the county.

Citizen Participation

Summary of Citizen Participation Process

Travis County implements a citizen participation process based upon 24 Congressional Federal Regulation (CFR) Part 91.105 and the Citizen Participation Plan approved by Travis County Commissioners Court on April 11, 2006. Travis County's Consolidated Plan is developed through a collaborative process. Citizen Participation is a critical part in the development of the Consolidated Plan and FY 2007 Action Plan. The Consolidated Plan is a strategic plan that identifies needs and sets priorities, outcomes and objectives in the unincorporated areas of Travis County for a five-year period. In addition, each year the County must submit an annual Action Plan (AP) to HUD reporting how the year's funding allocation for CDBG will be used to achieve the goals outlined in the five-year Consolidated Plan. In the year that the Consolidated Plan is developed, the public hearings for input on the Annual Action Plan and Consolidated Plan will be held at the same time

August 2006 Submission

In order to elicit public input on the needs of those living in the unincorporated areas of Travis County for the development of the Plan and PY 2006 Action Plan (AP), Travis County HHS/VS held public hearings at several locations throughout the County in two different formats to acquire information.

Public hearings were held at two different times throughout the development of the Consolidated Plan and PY 2006 Action Plan.

Public hearings were held to gather information for the Needs Assessment, asking participants for input regarding their housing, community development and public service needs.

- Notices of the public hearing dates were put in newspapers of general circulation, announcements occurred during the televised Commissioners Court meetings were posted on the Travis County website (www.co.travis.tx.us) and the seven Travis County Community Centers posted notices in both English and Spanish.
- Public hearings were held on April 11 and May 2, 2006, at Travis County Commissioners' Court during the normally scheduled voting session.
- Public hearings were held on April 17, 20 22, 26 and 27, 2006, throughout the County in each of the four precincts.

After the development of the Consolidated Plan for public comment, public hearings were held to inform and enable the community to comment on the proposed uses of CDBG funds.

- Notices of the public hearing dates and locations of postings were put in newspapers of general circulation, announcements occurred during the televised Commissioners Court meetings, posted on the Travis County website (www.co.travis.tx.us) and the seven (7) Travis County Community Centers posted notices in both English and Spanish.
- Public hearings were held on July 11 and 18, 2006, at the Travis County Commissioners' Court during the normally scheduled voting session.
- Summaries of the Plan and PY2006 Action Plan (copies are available) and the full drafts (for review only) are available at the seven Travis County Community Centers as well as the Travis County website.

Travis County HHS/VS drafted the Consolidated Plan and presented it to the Travis County Commissioners Court on June 27, 2006. After presentation to Travis County Commissioners Court, the Plan was posted for written comment for thirty (30) days prior to approval by the Travis County Commissioners Court. The 30- day comment period commenced June 28, 2006, and ended July 27, 2006.

Comments on the Plan may be received in writing via email or postal mail to the Travis County Health and Human Services & Veterans Service CDBG staff. The Plan was posted on the Travis County website (www.co.travis.tx.us) and Summaries of the Plan were available. Copies of the full document were available for review at the seven Travis County Community Centers.

November 2006 Submission

In October of 2006, Travis County began the process to amend its Consolidated Plan and Year One Action Plan. To expedite the amendment, HUD allowed Travis County to be temporarily out of compliance with its Citizen Participation Plan (CPP). HUD allowed for a 15-day public comment period rather than the 30-day comment period outlined in the CPP.

Travis County Program Year 2006 Action Plan, August 2008 Amendment

The public comment period for the amended Consolidated Plan commenced November 15, 2006, and ended November 29, 2006. In addition to posting the Plan for public comment, a public hearing was held in the Commissioners Courtroom on November 28, 2006. Detailed results of the public comments submitted in writing and collected during the public hearing can be found in Attachment B.

Comments on the Plan may be received in writing via email or postal mail to the Travis County Health and Human Services & Veterans Service CDBG staff. The Plan was posted on the Travis County website (www.co.travis.tx.us) and Summaries of the Plan were available. Copies of the full document were available for review at the seven Travis County Community Centers.

August 2007 Submission

Staff assessed the progress of each project and made recommendations to the Travis County Commissioners Court to substantially amend the Year One (PY06) Action Plan. The substantial amendment process was instituted due to the deletion of the Youth and Family Assessment Center Flex Fund Expansion, a public service project.

Concurrent with the substantial amendment to the PY06 Action Plan, staff assessed the original strategic direction in the 2006-2010 Consolidated Plan. At the time of the November 2006 amendment, Travis County chose to re-evaluate the strategic direction later. In August of 2007, Travis County addressed the strategic direction as it relates to the reduced allocation.

The amendment to the 2006-2010 Consolidated Plan's strategic direction and the substantial amendment to the PY06 Action Plan occurred at the same time as the draft of the PY07 Action Plan. During the week of June 4, 2007, Travis County published a Public Notice announcing and summarizing the proposed substantial amendment to the PY06 Action Plan. The notice appeared in several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period commenced June 20, 2007 and ended July 19, 2007. Two public hearings were held at the Travis County Commissioners Courtroom during the 30-day public comment period on June 26, 2007, and July 10, 2007, to receive testimony for all three actions. Details of the public comment may be reviewed in Appendix B.

August 2008 Submission

Every year, the progress of projects from previous Action Plans is evaluated to determine if any changes to funding or the deletion or addition of projects needs to occur. As outlined in Travis County's Citizen Participation Plan, a substantial amendment occurs when any project's funding is changed by 25% or more or if a new project is funded. Any substantial amendment must go through a 30- day public comment period as well as hold one public hearing.

On May 27, 2008, the Travis County Commissioners Court approved a substantial amendment to the PY 2006 Action Plan. The change to the PY 2006 Action Plan includes the deletion of the Family Support Services (FSS) Social Work Expansion program, which received \$83,659 and the addition of a project to provide the design, engineering and environmental review for a Road Improvement Project for Lava Lane located in Precinct 4.

The substantial amendment to the PY06 Action Plan occurred at the same time as the draft of the PY08 Action Plan. During the week of June 9, 2008, Travis County published a Public Notice announcing and summarizing the proposed substantial amendment to the PY06 Action Plan. The notice appeared in several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period commenced June 25, 2008, and ended July 26, 2008. Two public hearings were held at the Travis County Commissioners Courtroom during the 30-day public comment period -- on July 1, 2008, and July 22, 2008, to receive testimony for both the PY08 Action Plan and the PY06 Substantial Amendment. Details of the public comment may be reviewed in Appendix A.

Comments on the Substantial Amendment could be received in writing via email or postal mail to the Travis County Health and Human Services & Veterans Service CDBG staff. The Plan was posted on the Travis County website (www.co.travis.tx.us) and Summaries of the Plan were available. Copies of the full document were available for review at the seven Travis County Community Centers.

Service Provider Consultations

On May 10, 2006, 27 representatives from 22 agencies attended a facilitated forum. After receiving a presentation on Travis County's anticipated CDBG allocation, funding intent, eligible activities, and preliminary results from the provider survey, representatives were broken into two groups: Public Services and Housing/Community Planning. For details, see Section II of the Consolidated Plan.

Surveys

For the development of the five-year Consolidated Plan, surveys provided additional opportunity to assess citizens' perceptions of their needs.

A link to the web-based survey was sent via email to representatives of public agencies that serve residents in the unincorporated areas. The electronic survey was utilized to collect information from housing, community development, and public service providers in Travis County. The survey had a total of 48 respondents. See Section II of the Consolidated Plan for the detailed results of the provider survey.

Surveys were available at the public hearings and at each rural community center. In addition, several surveys were completed and submitted by mail. A total of 30 surveys were received. Resident surveys were available in both English and Spanish. See Section II of the Consolidated Plan for detailed results.

Summary of Citizen Comments on the Plan

All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan. Where comments requested information from another county department appropriate information coordination will occur. When comments noted a lack of specific need data, staff directed the citizen to the areas of the Plan that contained the need data requested.

Travis County Program Year 2006 Action Plan, August 2008 Amendment

A total of four public comments were received on the draft of the Consolidated Plan. Three written comments were received via email and one person testified during the public hearing held in Commissioners Court on July 11, 2006. No one testified during the public hearing on July 18, 2006.

A summary of comments and interests include:

- *Consider the location of bus routes and public services when identifying land for affordable owner housing and rental housing development.*
- *Consider and survey different areas for sewer, water and street improvements*
- *Provide information with other county buy out and park initiatives*
- *Increase services to the youth and elderly*
- *Include language on mental health issues and related housing needs*

A full list of public comments received on the Consolidated Plan is available in Appendix B.

Summary of Citizen Comments on the Substantial Amendment to the Plan

November 2006

All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan. Where some of the comments requested information from Travis County HHS/VS, CDBG staff provided information in writing.

A total of five public comments were received on the draft of the Consolidated Plan. One written comment was received via email and four people testified during the public hearing held in Commissioners Court on November 28, 2006.

A summary of comments and interests include:

- *Consider water/sewer infrastructure development to the residents of Plainview Estates in future years.*
- *Increase affordable housing efforts and continue to work with agencies that promote true affordability.*
- *Request staff reexamine what constitutes affordable housing.*

A full list of public comments received on the Consolidated Plan is available in Appendix B.

August 2007

All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan. A total of two public comments were received on the three actions proposed which includes the amendment to the 2006-2010 Consolidated Plan's Strategic Direction, the substantial amendment to the PY06 Action Plan and the draft of the PY07 Action Plan. Two written comments were received and no people testified during the public hearings held in Commissioners Court on June 26, 2007 and July 10, 2007.

Travis County Program Year 2006 Action Plan, August 2008 Amendment

A summary of comments and interests include:

- *Consider looking at programs which promote improved conditions for manufactured housing parks such as encouraging cooperative ownership and management.*
- *Provide housing solutions for extremely low income families with children.*
- *Provide supportive services for extremely low income families with children through case management.*

A full list of public comments received on the Consolidated Plan is available in Appendix B.

August 2008

A total of three public comments were received on the draft of the PY 2006 Substantial Amendment. Two people testified at the July 1, 2008, public hearing. No one testified at the July 22, 2008, public hearing and one written comment was received during the 30- day public comment period.

A summary of the comments and interests include:

- *Continue to support the expansion of affordable housing in the community.*
- *Consider a lease purchase program to assist persons in building credit and accessing affordable housing.*
- *Consider funding the construction of the Lava Lane improvements after the design phase is complete.*
- *Consider funding the connections to water and the design and construction of a wastewater system for Plainview Estates.*

The Plainview Estates residents are included in the water/wastewater planning project for PY07 & PY08. Affordable housing expansion and street improvements are included in all three plan years thus far. All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan. Please see Appendix "A", Attachment "B" for the detailed comments received during the 30 day public comment period and public hearings.

Summary of Efforts to Broaden Public Participation

The following efforts were used to broaden public participation:

- Travis County Commissioners Court is televised and close captioned on the public access channel and repeats several times throughout the week.
- The County website stayed current with documents and announcements of public hearings.
- Public notices were available in Spanish and published in Spanish language newspapers.
- List serves were used to garner interest from social service agencies and their clients
- Survey boards were used in the five Travis County rural Community Centers.
- In August 2007, public hearings at the Commissioners Court were held once in the morning and once in the evening in order to accommodate different work schedules in the community.

Written Explanation of Comments Not Accepted

All comments were accepted.

Written Explanation of the Substantial Amendment Comments Not Accepted

November 2006

All comments were accepted.

August 2007

All comments were accepted.

August 2008

All comments were accepted.

Project Prioritization

Travis County weighed all potential projects identified by citizens and relevant county staff. Staff worked to assess that potential projects met one of HUD's national objectives, were eligible activities, and would be feasible to complete in a timely manner. Projects that met these criteria were then weighed according to the following scoring matrix. Scores were provided to the Travis County Commissioners Court for consideration when making final decisions regarding what projects were to be included in the PY 2006 Action Plan.

SCORING CRITERIA

Criteria	Points
1. Addresses a high priority goal of the Strategic Plan (<i>See activity scoring range</i>)	400
2. Feasibility of project (ability to complete within 18 months)	200
3. Addresses demonstrated need	100
4. Impacts large number of households	100
5. Benefit To Low/Moderate-Income Persons	100
6. Addresses need for continued assessment for strategic allocation methods	100
7. Leverages/matched with funding from another source	50
8. Phased project (phased judiciously)	50
9. Builds capacity for increased future service provision	50

Scoring Methodologies

1. **Addresses a high priority goal of the Strategic Plan (see activity scoring range) – 400 points possible**

Projects addressing one of the three priority goals are awarded 400 points. Projects addressing one of the medium priority goals receive 50 points. Projects not addressing a high or medium priority goal receive zero points.

- 2. Feasibility of project (ability to complete within 18 months) – 200 points possible**
Projects assessed as ready to be implemented immediately receive the total possible 200 points. Projects needing 1 to 6 months assessment before implementation receive 100 points. Projects needing 6 to 12 months of assessment receive zero points. Projects needing more than 12 months of assessment receive negative 200 points. *(Note: Projects for which feasibility cannot be assessed will receive zero points.)*
- 3. Addresses demonstrated need -- 100 points possible**
Projects addressing a need that was identified through citizen engagement *and* research conducted for needs assessment receive 100 points. Projects addressing need identified through citizen engagement *or* research for needs assessment receive 50 points. Projects not addressing a need identified through either receive negative 100 points.
- 4. Projects impacting many households – 100 points possible**
Projects impacting over 200 households receive 100 points. Projects impacting between 100 and 200 households receive 50 points. Projects impacting 50 to 100 families receive 25 points. Projects impacting under 50 households receive zero points.
- 5. Benefits To Low/Moderate-Income Persons – 100 points possible**
Projects benefiting 100% low to moderate income persons or families receive 100 points. Projects benefiting 75 to 100% low to moderate income persons or families receive 75 points. Projects benefiting 50 to 75% low to moderate income persons or families receive 50 points. Projects benefiting under 50% low to moderate income persons or families receive negative 50 points. Projects eligible through area benefit that would impact less than 51% low to moderate income households will not be considered.
- 6. Addresses need for continued assessment for strategic allocation methods – 100 points possible**
Projects with the primary goal of assessing need and possible projects receive 100 points. Projects which are not primarily aimed at further assessment but will contribute to assessment efforts receive 50 points.
- 7. Leverages/matched with funding from another source – 50 points possible**
Projects which draw down other funding sources if implemented are given 50 points. Projects using other existing funds to complete the project (matching funds) are given 25 points. Projects using only CDBG funds receive zero points.
- 8. Phased project (phased judiciously) – 50 points possible**
Projects only taking one year receive 50 points. Phased projects with funding only allocated for 12 months of work, but for which 12 months of work would be sufficient for the project to have nearly full impact, also receive 50 points. Phased projects for which 12 months of work would leave an incomplete project with little to no impact receive negative 50 points.
- 9. Builds capacity for increased future service provision – 50 points possible**
Projects aiming to build capacity for future public, recreational, or housing services receive 50

points. Projects that have the potential to build capacity for services receive 25 points. Projects that do not build capacity receive zero points.

Monitoring

As the lead agency for development and implementation of the Consolidated Plan, the Travis County Health and Human Services & Veterans Service Department implements standard policies and procedures for monitoring Community Development Block Grant (CDBG) programs. These monitoring activities ensure compliance with program regulations and compliance with financial requirements. Federal guidelines include: OMB A-110, OMB A-122, 24 CFR Part 570.603 (CDBG Labor Standards), 570.901-906 (CDBG) and the Davis Bacon Act and Contract Work Hours and Safety Standards Act (CDBG).

HHS/VS provides contract administration for community development activities in conjunction with the Transportation and Natural Resources Department, including but not limited to contract negotiations, compliance monitoring, and payment and contract closeout.

Sub-Recipients

Sub-recipient agreements will be used to conduct public service activities. The sub-recipient agreement will be the foundation for programmatic monitoring. Sub-recipients will be monitored for programmatic compliance on-site in the following manner:

1. All invoices and reports will be routed via HHS/VS CDBG staff prior to final approval by financial services and the Auditor's Office.
2. All new sub-recipients will be monitored quarterly until no findings occur.
3. After two consecutive monitoring reports with no findings, semi-annual visits will occur.
4. Monitoring visits may occur on an annual basis if a sub-recipient has a long-standing record (three or more years) with no substantial findings.

Financial monitoring will be completed as necessary and as directed by sub-recipient fiscal performance and external monitoring needs of the Travis County Auditor's office. Programmatic and fiscal monitoring may not occur concurrently.

Contractors

Contractors may be used to provide some housing, community development and public services. Contractors submit periodic reimbursement requests which document and verify expenditures. The contract agreement will be used as the primary basis for monitoring. The following steps are an integral part of the monitoring process for each contract:

1. On-site reviews at an established periodic interval (prior to project commencement) will occur to ensure compliance with terms of the contract, HUD guidelines, state/local building and construction standards, and review of engineering plans and specifications.

2. If a contractor is found to be out of compliance, a notice is sent stating their contractual obligation and required action. Failure to comply may result in loss of current and/or future contracts as well as a hold on any payments.
3. All invoices and reports will be routed via HHS/VS CDBG staff prior to final approval by financial services and the Auditor's Office.

Internal Travis County Departments

Internal Travis County projects will be monitored with Travis County HHS/VS CDBG staff sign off prior to invoices being paid, regular meetings with project management staff, and frequent checking of eligibility files, if applicable.

Project Files

Travis County HHS/VS staff will maintain files in order to document each project and its respective compliance with HUD and related regulations.

Lead-Based Paint

Tenure By Year Structure Built, Travis County TX	
Owner occupied	
Built 1970 to 1979	32,815
Built 1960 to 1969	16,498
Built 1950 to 1959	13,947
Built 1940 to 1949	6,963
Built 1939 or earlier	6,145
TOTAL	76,368
Renter occupied	
Built 1970 to 1979	39,147
Built 1960 to 1969	18,439
Built 1950 to 1959	9,672
Built 1940 to 1949	4,622
Built 1939 or earlier	4,637
TOTAL	76,517

Source: Census 2000

Only a small proportion of Travis County's housing units are likely to contain lead-based paint. The vast majority of housing units were built after 1978. The adjacent chart provides an inventory of numbers of homes that may contain lead based paint.

Upon establishment of any programs for owner occupied rehabilitation and/or minor repairs, the County will develop procedures in that program year's Action Plan in compliance with the Residential Lead Based Paint Hazard Reduction Act of 1992 (Title X) and subsequent changes in September, 1999. The procedures will include:

- Notification
- Identification
- Treatment (if necessary)

Housing

Travis County’s Consolidated Plan outlines the priority goals for 2006-2010. Below is a summary of the housing goals established for the five-year period.

Priority Housing Projects	
Rental Housing Goals	
Production of new units	High– <u>Medium</u>
Rental assistance	Medium
Acquisition of existing units	Medium
Rehabilitation of existing units	Medium
Owner Housing Goals	
Production of new units	High
Homebuyer assistance	High– <u>Medium</u>
Acquisition of existing units	Medium
Rehabilitation of existing units	High
Other: Other ways to promote affordable housing development (<u>Infrastructure</u>)	High

Projects to Further Housing Efforts

The project listed below for PY 2006 targets a high priority goal. The project intends to increase affordable, suitable housing stock in the unincorporated areas of Travis County.

Project 1. Owner Housing: Production of new units

Activity: Land Acquisition

Parcels or one large tract of land in unincorporated Travis County will be acquired to build affordable single-family housing for low-income families (25-50% Median Family Income). Single-family housing is defined as a one- to four-family residence.

Specific parcels or tracts of land will be identified at a later date. Public hearings will be held to inform the public of the location(s) prior to purchase of the land. During the selection process, priority will be given to tracts of land near public transportation.

Austin Habitat for Humanity, a local non-profit, will secure funding for the construction of homes on the acquired property. Approximately 10 units of housing will be created. The number of individuals impacted will vary depending upon the families selected for the housing units.

Funding Source: CDBG

Funding Provided: \$250,000

Program Delivery and Management: Travis County Health and Human Services & Veterans Service, and Designated Sub-recipients

National Objective: LMH (570.201(a))

Matrix Code: 01

2006-2010 Strategic Plan Priority: **High**

Objective: Providing Decent Housing

Expected Project Outcome: Affordability

Expected Start Date/Completion Date: November 1, 2007 to June 30, 2008

Needs for Public Housing

Travis County will continue to support efforts of the Housing Authority of Travis County's (HATC) to provide homeownership and affordable housing opportunities to low-income residents. Travis County will partner with HATC to explore opportunities to extend these efforts during the unincorporated areas in the five-year period covered in this Strategic Plan.

HATC manages a total of 105 public housing units at three public housing sites in the incorporated areas of Travis County. Additionally, together with the Housing Authority of Austin, HATC administers three Shelter Plus Care projects in the Austin-Travis County area, which utilize integrated rental housing and flexible and intensive support services to promote community tenure and independence to the chronically homeless and disabled. These Public Housing and Shelter Plus sites are all located in incorporated areas of the county. In the unincorporated areas, HATC does administer the Section Eight Housing Choice Voucher Program to assist very low income, disabled and elderly families or individuals. HATC also operates a Lease-Purchase program, to provide homeownership opportunities for prospective homebuyers who can afford monthly mortgage payments, but do not have funds for a down payment and/or closing costs or the credit standing to qualify for a loan. However, at this time no publicly owned housing developments exist in the unincorporated areas of Travis County.

The major strategic goals of HATC's Five-Year Plan (FY 2005-2009) are as follows:

- Expand supply, improve quality, and increase available choices for assisted housing
- Provide an improved living environment
- Promote self-sufficiency and asset development of assisted households
- Ensure equal opportunity and affirmatively further fair housing
- Improve physical conditions of all properties and create a safe workplace

Barriers to Affordable Housing

Travis County will invest via staff or dollars in PY2006 in opportunities to mitigate housing, land, fees and infrastructure costs via:

- Acquisition of land
- Collaboration with non-profits, businesses, agencies and coalitions
- Supporting initiatives throughout the County which increase affordable housing opportunities

County staff will work to ensure the development of county policies affecting building codes, zoning and growth that promote, to greatest extent possible, affordable housing development.

Homelessness

During the five-year time period covered in this plan ,Travis County does not intend to target the use of Community Development Block Grant funds toward homeless efforts . Travis County invests \$298,000 in general fund dollars in contracts with social service providers targeting the homeless in conjunction with the Austin/Travis County ESG grant administration and according to the Austin/Travis County Plan to End Chronic Homelessness.

See the *Anti-Poverty Strategy* section of this document for Travis County’s strategy to help low-income families avoid homelessness.

Non-Housing Community Development

Travis County’s Consolidated Plan outlines the priority goals for 2006-2010. Below is a summary of the goals established for Non- Housing Community Development for the five-year period.

Priority Non-Housing Community Development

Community Development Goals	
Goals	Priority
Water/Sewer Improvements	High
Street/Road Improvements	High
Sidewalks	Medium
Solid Waste Disposal Improvements	Medium
Flood Drain Improvements	Medium
Other: Erosion Abatement	Medium
Other: Litter Abatement	Medium
Other Public Facility Needs	Low

Projects to Further Community Development Efforts

The projects listed below for PY2006 target high priority goals. Both projects intend to increase suitable living environments in the unincorporated areas of Travis County.

Project2: Street Improvements

Activity: Substandard Roads in Apache Shores

Apache Shores is identified as a low to moderate income area. Many roads in the Apache Shores area do not meet Travis County standards, therefore, the substandard roads are not accepted into the Travis County road maintenance program.

The street improvement scope of work may include, but is not limited to: 1) design services; 2) land surveying services; 3) geo-technical services; 4) drainage design services; 4) utility location and relocation coordination services; 5) environmental review and related regulatory permits; 6) acquisition of right of way and easements; and 6) construction.

Three roads and one alternate road in the Apache Shores area have been identified for repairs. Road selection was based on identifying the current condition of the road (assessed by Travis County's Transportation and Natural Resources Department) and targeting residential streets with lower improvement values (assessed and reported by the Travis County Appraisal District). Roads identified for improvement are:

1. Pima Trail from Red Fox Road to Crazy Horse Pass
(Census Tract 1742; Blockgroup 1; Blocks 1068, 1066, 1065, and 1053).
2. Crazyhorse Pass from Pima Trail to Running Deer Trail
(Census Tract 1742; Blockgroup 1; Blocks 1054 and 1053).
3. Whitebead Trail from Red Fox Road to Running Deer Trail
(Census Tract 1742; Blockgroup 1; Blocks 1052 and 1053).
Alternate: Crazy Horse Pass from Running Deer Trail to Whitebead Trail
(Census Tract 1742; Blockgroup 1; Blocks 1047 and 1050).

The improvements impact 72 households as identified in the map indicating the area of benefit. Specific census data for each street is listed above in the roads identified section. The number of households in the area of benefit does not change in the case of improvements to the identified alternate road. The map can be found in Attachment D.

Funding Source: CDBG

Funding Provided: \$305,000

Program Delivery and Management: Travis County Transportation and Natural Resources Department, Travis County Health and Human Services and Veteran's Service, and Designated Contractors

National Objective: LM-AB (570.201 (c))

Matrix Code: 03K

2006-2010 Strategic Plan Priority: High

Objective: Creating Suitable Living Environments

Expected Project Outcome: Availability/Accessibility

Expected Start Date/Completion Date: July 1, 2007 – June 30, 2009

Project3: Water/Sewer Improvements

Activity: North Ridge Acres - Improved municipal water service for NRWSC

North Ridge Acres subdivision is located in both Williamson and Travis Counties near the intersection of FM 1325 and CR 172. 58 households in Travis County and 65 households in Williamson County will benefit from this project.

The project includes design, construction and administration of a complete replacement of the NRWSC's existing water distribution system. The goals of the project are: (1) design and construct a new water system that meets the requirements of the TCEQ and the City of Austin; (2) disconnection from the current water source (a City of Round Rock fire hydrant); (3) a permanent connection to the City of Austin's water system; and (4) conveyance of the NRWSC to the City of Austin which will provide service and billing for all NRWSC customers.

Design and construction of a new distribution system to convey potable water from the connection with the City's system to the NRWSC customers includes: distribution lines; fire hydrants; service laterals, valves, meters and service connections; pavement repairs; and demolition and removal of abandoned water storage facilities.

A primary door-to-door survey was conducted in November 2003 and June 2005. The survey indicates that at least 57% of the residents in the project area are Hispanic. The survey also indicates that 100% of the residents fall below the low- to moderate-income level.

The total project budget is \$1,872,000. Please see the leveraged funding section below for the breakdown of funding.

Funding Source: CDBG

Funding Provided: \$200,000

Leveraged Funding: Texas Water Development Board - \$1.3 million, Travis County - \$172,000 (In-Kind and General Fund), Williamson County - \$150,000 (CDBG), Office of Rural Community Affairs - \$250,000 (CDBG/Non-Border Colonia Grant)

In addition, the City of Austin has spent approximately \$200,000 to extend its major water line to the front of the Northridge Acres Subdivision and will expend additional funds to connect its water system to the newly constructed municipal water system in order to provide long-term water service to the community. Upon completion of the project, the City of Austin will accept all customers of the NRWSC as retail utility customers of the City and all customers will pay the City's applicable rates for water service.

Program Delivery and Management: Dan Smith, Executive Assistant, Office of the Travis County Judge, Mark Hall, TDWB, Gandolf Burris, Grant Development Services and Designated Contractors

National Objective: LM-AB (survey) (570.201 (c))

Matrix Code: 03J

2006-2010 Strategic Plan Priority: High

Objective: Creating Suitable Living Environments

Expected Project Outcome: Sustainability

Expected Start Date/Completion Date: July 15, 2006 to December 30, 2007

Project 6: Street Improvements

Activity: Lava Lane Design

The project funds the design, engineering and environmental review for the improvement of the unaccepted portion of Lava Lane, a road in Precinct 4. The improvements to this substandard road will provide a new durable road that will allow property owners, school busses, mail service providers, and emergency service providers to have all-weather access to the properties. Additionally, the improvements will allow the road to meet County roadway standards so that it can be accepted onto the County system for future maintenance and traffic safety enforcement.

The street improvement design scope of work may include, but is not limited to: 1) design services; 2) land surveying services; 3) geo-technical services; 4) drainage design services; 4) utility location and relocation coordination services; and 5) environmental review and related regulatory permits. Travis County Transportation and Natural Resources Department (TNR) will be the project manager and the design, engineering, and environmental work will be provided by consultant contract. The impact of the project will be approximately 20 households.

Please see Appendix B for maps of the location and area of benefit.

Funding Source: CDBG

Funding Provided: \$83,659

Program Delivery and Management: Travis County Transportation and Natural Resources Department and Contractors

National Objective: LM-AB (570.201 (c))

Matrix Code: 03K

2006-2010 Strategic Plan Priority: High

Objective: Creating Suitable Living Environments

Expected Project Outcome: Availability/Accessibility

Expected Start Date/Completion Date: January 1, 2008 – December 31, 2008

Antipoverty Strategy/Public Services

Travis County does not yet have a formally adopted anti-poverty strategy. However, the Health and Human Services and Veterans Service Department is committed to developing a formal anti-poverty strategy over the time period covered by this Consolidated Plan. In addition, the Travis County Commissioners Court has allocated an anti-poverty reserve in its annual budget cycle for fiscal year

2007 which will initiate coordination of current efforts and implement additional programmatic efforts to address poverty in a comprehensive manner.

Many of the Consolidated Plan strategies directly assist individuals who are living in poverty. In addition, Travis County’s lead agency for administering these funds is the Health and Human Services & Veterans Service Department, whose mission is “to work in partnership with the community to promote full development of individual, family, neighborhood, and community potential.” The vision of HHS/VS is “optimizing self-sufficiency for families and individuals in safe and healthy communities.” Both the mission and vision of HHS/VS are essentially aimed at preventing and ameliorating conditions of poverty in Travis County.

In addition, Travis County participates in the assessments, plans, and activities of the Community Action Network, whose members have informally pursued anti-poverty strategies as part of their primary mission.

Travis County’s Consolidated Plan outlines the priority goals for 2006-2010. Below is a summary of the goals established for Public Services for the five-year period.

Priority Public Services

Public Service Goals	
Goals	Priority
Youth Services	High
Other Public Service Needs	High
Transportation Services	Medium
Employment Training	Medium
Health Services	Medium
Child Care Services	Medium
Senior Services	Medium
Substance Abuse Services	Medium
Lead Hazard Screening	Low
Crime Awareness	Low

The Travis County Community’s Anti-Poverty Programs – Non- CDBG funding

- Providing assistance with emergency basic needs (including rent, utility and food assistance) in order to prevent homelessness.
- Advocating for and supporting public policy initiatives that create real solutions for adequate healthcare, childcare, living wages, education and disability assistance.

Projects to Further Anti-Poverty/Public Services Efforts

~~The projects listed below for PY 2006 target high priority goals. Both projects intend to increase access to quality public services in the unincorporated areas of Travis County.~~

~~Both projects allocated for public services were deleted and monies were reprogrammed in either August 2007 or August 2008. Travis County investments in anti-poverty and public service are made using General Funds for PY 2006 and are outlined in the PY 2006 Consolidated Annual Performance Evaluation Report.~~

~~Approval of the deletion of the Youth and Family Assessment Project occurred in August 2007. The services to 30 youth will still be provided, but through the Travis County General Fund. The \$5,000 originally issued to fund this project will increase the budget to the Apache Shores Street Improvement project.~~

Deletion of: Project 4: Youth Services
--

Activity: Youth and Family Assessment Center (YFAC) Flex Fund Expansion

~~The YFAC program is an internal Travis County Health and Human Services & Veterans Service expansion of existing services. Flex Funding through the YFAC program assists high risk children improve their school performance and avoid the juvenile justice system through traditional and non-traditional services. A small expansion of flex funds is requested for the first year; however, it is anticipated that the client population will grow over time as more outreach is done. Approximately 30 youth will be assisted.~~

~~The Family Support Services Division Social Work Services Expansion staff (mentioned below) will outreach, assess and manage the flex fund expansion dollars.~~

~~Funding Source: CDBG~~

~~Funding Provided: \$5,000~~

~~Leveraged Funding: \$5,000 — General Fund~~

~~Program Delivery and Management: Travis County Health and Human Services and Veteran's Service~~

~~National Objective: LMC (570.201(e))~~

~~Matrix Code: 05D~~

~~Objective: Creating Suitable Living Environments~~

~~Expected Project Outcome: Availability/Accessibility~~ **2006-2010 Strategic Plan Priority: High**

~~Expected Start Date/Completion Date: January 15, 2007 to September 30, 2007~~

On May 27, 2008, the Travis County Commissioners Court approved a substantial amendment to the PY 2006 Action Plan. The change to the PY 2006 Action Plan includes the deletion of the Family Support Services (FSS) Social Work Expansion program, which received \$83,659 and the addition of a project to provide the design, engineering and environmental review for a Road Improvement Project for Lava Lane located in Precinct 4.

Due to the difficulty of hiring staff to provide the Social Work Services, no funds from the PY 2006 program year were spent on the FSS Social Work Expansion project. The project is currently underway using the funds allocated to it in PY 2007. The reprogramming of the PY 2006 unused funds to another project allows for timelier spending of dollars. Additionally, due to an annual limit on the amount of money spent on public service projects established by HUD, the funds must be reprogrammed to a community development project. Please see Project #6 for details on the new project.

Deletion of: Project5: Public Services, Other

~~Activity: HHS/VS Family Support Services Division Social Work Services Expansion~~

~~This program is an internal Travis County Health and Human Services & Veterans Service expansion of existing services. The program will expand current social work services by two Social Workers in order to increase capacity to provide case management, information and referral, non-clinical counseling, crisis intervention and outreach in the unincorporated areas. The social workers will be located at the Community Centers in Del Valle and Manor.~~

~~The expansion of the social work staff within Family Support Services would reduce the barriers encountered by county residents in unincorporated areas receiving needed social, financial and health services. This furthers the goal of HHS/VS to make its services available to all residents in need of them. The expansion increases the capacity of social work services to serve a minimum of 100 families.~~

~~Funding Source: CDBG~~

~~Funding Provided: \$83,659~~

~~Leveraged Funding: \$31,341 General Fund~~

~~Program Delivery and Management: Travis County Health and Human Services & Veterans Service~~

~~National Objective: LMC (570.201(e))~~

~~Matrix Code: 05~~

~~2006-2010 Strategic Plan Priority: High~~

~~Objective: Creating Suitable Living Environments~~

~~Expected Project Outcome: Availability/Accessibility~~

~~Expected Start Date/Completion Date: January 15, 2007 – September 30, 2007 July 15, 2007 – December 31, 2007~~



Travis County

Appendix A: Citizen Engagement

Substantial Amendment to the
Annual Action Plan for
Program Year 2006:
August 2008



-Prepared by Travis County Health & Human Services & Veterans Service

Travis County Program Year 2006 Action Plan, August 2008 Amendment

Every year, the progress of projects from previous Action Plans is evaluated to determine if any changes to funding or the deletion or addition of projects needs to occur. As outlined in Travis County's Citizen Participation Plan, a substantial amendment occurs when any project's funding is changed by 25% or more or if a new project is funded. Any substantial amendment must go through a 30- day public comment period as well as hold one public hearing.

On May 27, 2008, the Travis County Commissioners Court approved a substantial amendment to the PY 2006 Action Plan. The substantial amendment to the PY06 Action Plan occurred at the same time as the draft of the PY08 Action Plan. During the week of June 9, 2008, Travis County published a Public Notice announcing and summarizing the proposed substantial amendment to the PY06 Action Plan. Please see Attachment "A" for a copy of the public notice

The notice appeared in several area newspapers that target the unincorporated areas of Travis County. The 30-day public comment period commenced June 25, 2008, and ended July 26, 2008. Two public hearings were held at the Travis County Commissioners Courtroom during the 30–day public comment period on July 1, 2008, and July 22, 2008, to receive testimony for the PY08 Action Plan and the PY06 Substantial Amendment.

A total of three public comments were received on the draft of the PY 2006 Substantial Amendment and PY08 Action Plan. Two people testified at the July 1, 2008, public hearing. No one testified at the July 22, 2008, public hearing and one written comment was received during the 30- day public comment period.

A summary of the comments and interests include:

- *Continue to support the expansion of affordable housing in the community.*
- *Consider a lease purchase program to assist persons in building credit and accessing affordable housing.*
- *Consider funding the construction of the Lava Lane improvements after the design phase is complete.*
- *Consider funding the connections to water and the design and construction of a wastewater system for Plainview Estates.*

The Plainview Estates residents are included in the water/wastewater planning project for PY07 & PY08. Affordable housing expansion and street improvements are included in all three plan years thus far. All comments were accepted as they aligned with the intent and priorities of the five-year Consolidated Plan. Please see Appendix "A", Attachment "B" for the detailed comments received during the 30 day public comment period and public hearings.

Attachment "A" Public Notice



Travis County Community Development Block Grant Program (CDBG) Public Notice: Invitation to Comment on the drafts of Travis County CDBG Program Year 2008 Action Plan and a Substantial Amendment to the Program Year 2006 Action Plan

Travis County is eligible to receive an estimated \$833,133 from the United States Department of Housing and Urban Development (HUD) in the form of a Community Development Block Grant (CDBG). HUD awards these grants to communities to carry out a variety of community development activities aimed at revitalizing neighborhoods, improving affordable housing options, and providing improved community facilities and services. Travis County's CDBG allocation targets the unincorporated areas of the county.

In accordance with Federal Guidelines, Travis County officials and staff are requesting public comment on the drafts of two CDBG documents:

- ⇒ The Action Plan for Program Year 2008
- ⇒ The change of projects for the Program Year 2006 Action Plan

The drafts of the Action Plans are the second step following the needs identified through the public hearings held in February and March of 2008.

Comments will be accepted for 30 days beginning June 25th, 2008 at 8:00 a.m. and ending July 26th, 2008 at 5:00 p.m. Drafts of the Plans as well as summaries of the Plans are available for review, beginning June 25th, 2008 at the Travis County website www.co.travis.tx.us or at the following locations:

South Rural Community Center:	3518 FM 973, Del Valle
Travis County Community Center:	15822 Foothills Farm Loop, Bldg D, Pflugerville
West Rural Community Center:	8656-A Hwy 71 W., Suite A, Oak Hill
Northwest Rural Community Center:	18649 FM 1431, Jonestown
East Rural Community Center:	600 W. Carrie Manor, Manor
Palm Square Community Center:	100 N. IH-35, Suite 1000, Austin
Post Road Community Center:	2201 Post Road, Suite 101, Austin

Public Hearings will be held to receive comments:

Location:	Dates & Times:
Travis County Granger Building	Tuesday, July 1, 2008 at 9:00 AM
Commissioners Courtroom 314 W. 11th St, Austin, TX	Tuesday, July 22, 2008 at 9:00 AM

Comments may also be received in writing via mail or e-mail to: CDBG Program, Travis County HHSVS, P.O. Box 1748, Austin, TX 78767 or christy.moffett@co.travis.tx.us

Travis County is committed to compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as amended. Reasonable modifications and equal access to communications will be provided upon request. Please call 854-3460 for assistance.

Attachment "B" Detailed Public Comment

Comments Received at the July 1st Public Hearing

***Gus Peña's testimony Received during Public Hearing on July 1st, 2008:**

This is Gus Peña. I think that I have spoken to the issue before. Habitat for Humanity is an outstanding initiative, they provide true affordable housing. Our program is green space to be able to build homes. In the course of the last six months, we have been in contact with the secretary of HUD, visited his office, the new one, also the San Antonio's HUD Department with the help of former mayor Henry Cisneros, former secretary of HUD, also my cousin Frederico Peña, the reason being that we need more affordable housing and let's make it real clear what affordable housing is. Some of this funding is appropriate, 41 homes is good, outstanding, a good start because there are a lot of people that can't afford a home and cannot afford a home but we should be able to place them, get them off the streets.

One thing that I would, I don't know if this fits the criteria, but if I could ask you Judge and the other Commissioners, there used to a program called rent to purchase, two years to rebuild your credit or clean up your credit, that was an outstanding true blue proven program, if we could have that, something like that, you could have more people qualify, they are working, of course, in order to pay the mortgage. This would help out people be placed into homes also, affordable homes.

Keep up the good work. I asked the Secretary's office in San Antonio and Washington to give us more money. There's a big need over here. I know there's a need nation-wide, but I'm from Austin, Texas, Travis County, we need more money for this program. I think that it's outstanding. We call it the rural area, now unincorporated, Christy and I were talking about it, these are the things that are helpful, very helpful thank you for your leadership.

***Joel Rebollar's testimony Received during Public Hearing on July 1st, 2008:**

Good morning, my name is Joel, I'm a constituent of precinct 4. I would like to tell you all first of all thank you for -- for voting on May 27th to approve the substantial amendment for the 2006 plan that she was talking about.

The thing that I would like to add on to what she was saying, on behalf of the entire community because a bunch of them are taking care of kids and so forth, I would like to ask the Commissioners Court to please take into consideration the funding for just the construction of this road of Lava Lane within the next two years, if possible. Just for the major fact being that our community is growing a lot bigger.

There's more kids attending school. And we really do need those public services such as the bus going up into that road. We took some of the -- we took Christy out there and it's .8 miles just to the -- to the bus stop. So we got a little six-year-old, I believe seven-year-old now this year that has to walk .8 all the way to the bus stop because we don't have that road improvement. We did talk to Ms. Gomez, thank

you for taking that time, we would like to ask you all to take that into consideration because it is very necessary, as well as other improvements like you all have the production of new home unit like myself, you know, if you all can just from all of us and on Lava Lane, if you all can please take consideration for the construction of Lava Lane, thank you.

*The source of this transcript is the closed-captioned text version of the Travis County Commissioners Court. The comments were taken from the Travis County web site prior to the minutes being approved. Slight changes may occur once the certified minutes are available, though the integrity and intent of the comment will not change.

Comments Received at the July 22nd Public Hearing

No comments were received during the July 22nd public hearing.

Written Comments Received

Via email from Connie Gonzales on 7/26/08 at 5:06 pm

To whom it may concern,

On behalf of the residents of Plain View Estates this public comment comes in support for CDBG funding water and wastewater services in our neighborhood.

Starting in 2000 when our wells started going dry in Plain View Estates, forty families in our neighborhood have been without running water. We successfully came together with Santa Barbara Catholic Church and Austin Interfaith to fix this problem. We worked with Hudson Bend Utility Company and also with Travis County who invested nearly \$600,000 toward hooking us up to water lines. Since then, two families have been able to connect to the water meters, while the remaining 38 are working hard to raise the funds needed to cover the tapping fees, materials, and labor for connecting each house to running water. Unfortunately, the cost of completing this project has gone up substantially from the original estimate of \$510 per residence. However, we continue to work together to ensure that all of us are able to get running water as soon as possible.

In addition, we also are looking ahead to coming years when we know that we will need wastewater service at our residences. Therefore, it is our collective request that financial support be assigned to fund two projects in our community. First, funds are needed to connect the remaining 38 families to water meters. Second, we request funding for infrastructure and connection fees for waste water services for all families in Plain View Estates.

It is prudent that this happens so that we can live as everyone else does in our area of Travis County .

Connie H. Gonzales

Spokesperson for residents of Plain View Estates and Santa Barbara Catholic Church Leader with Austin Interfaith



Travis County

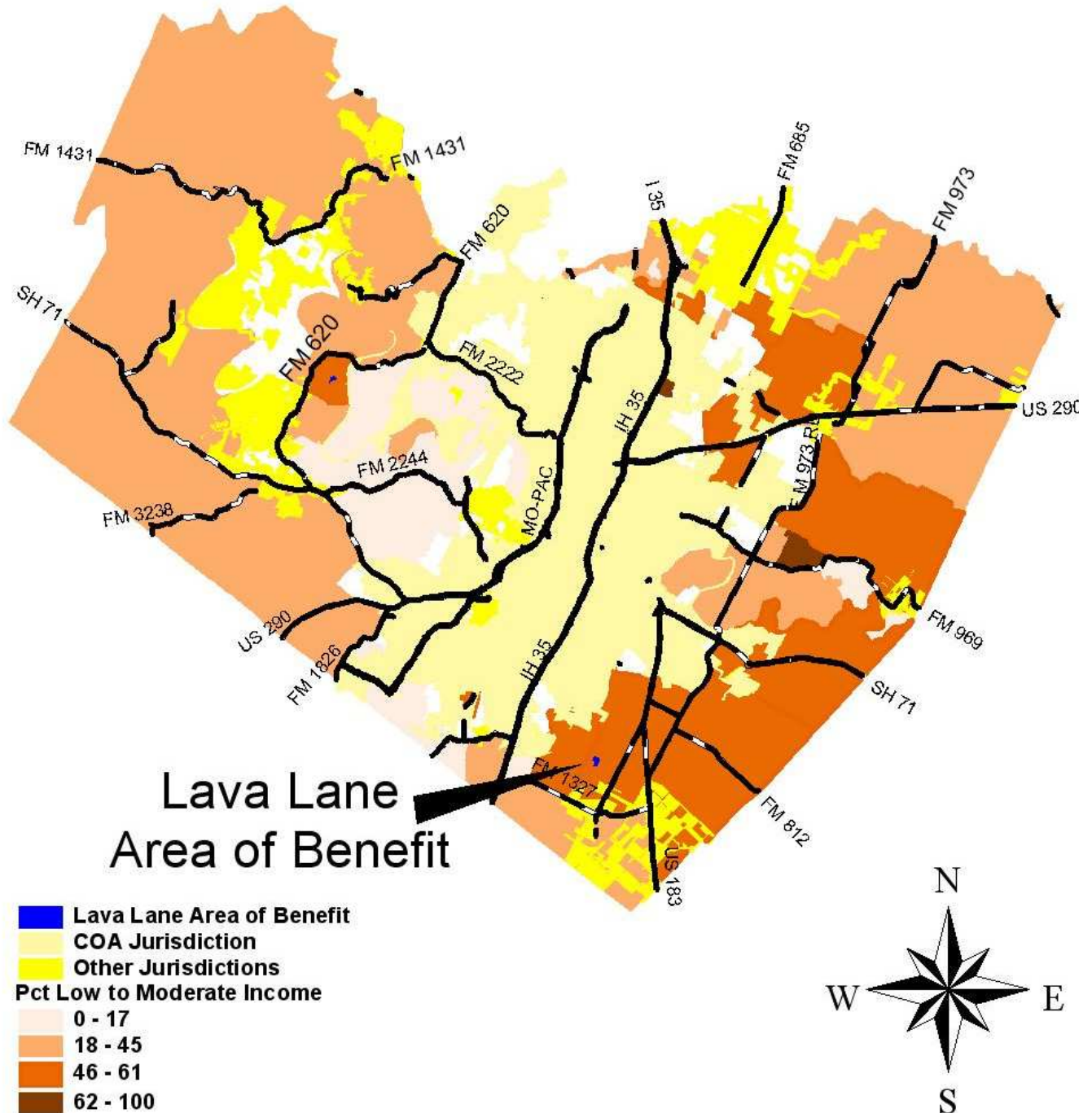
Appendix B: Lava Lane Project Maps

Substantial Amendment to the
Annual Action Plan for
Program Year 2006:
August 2008

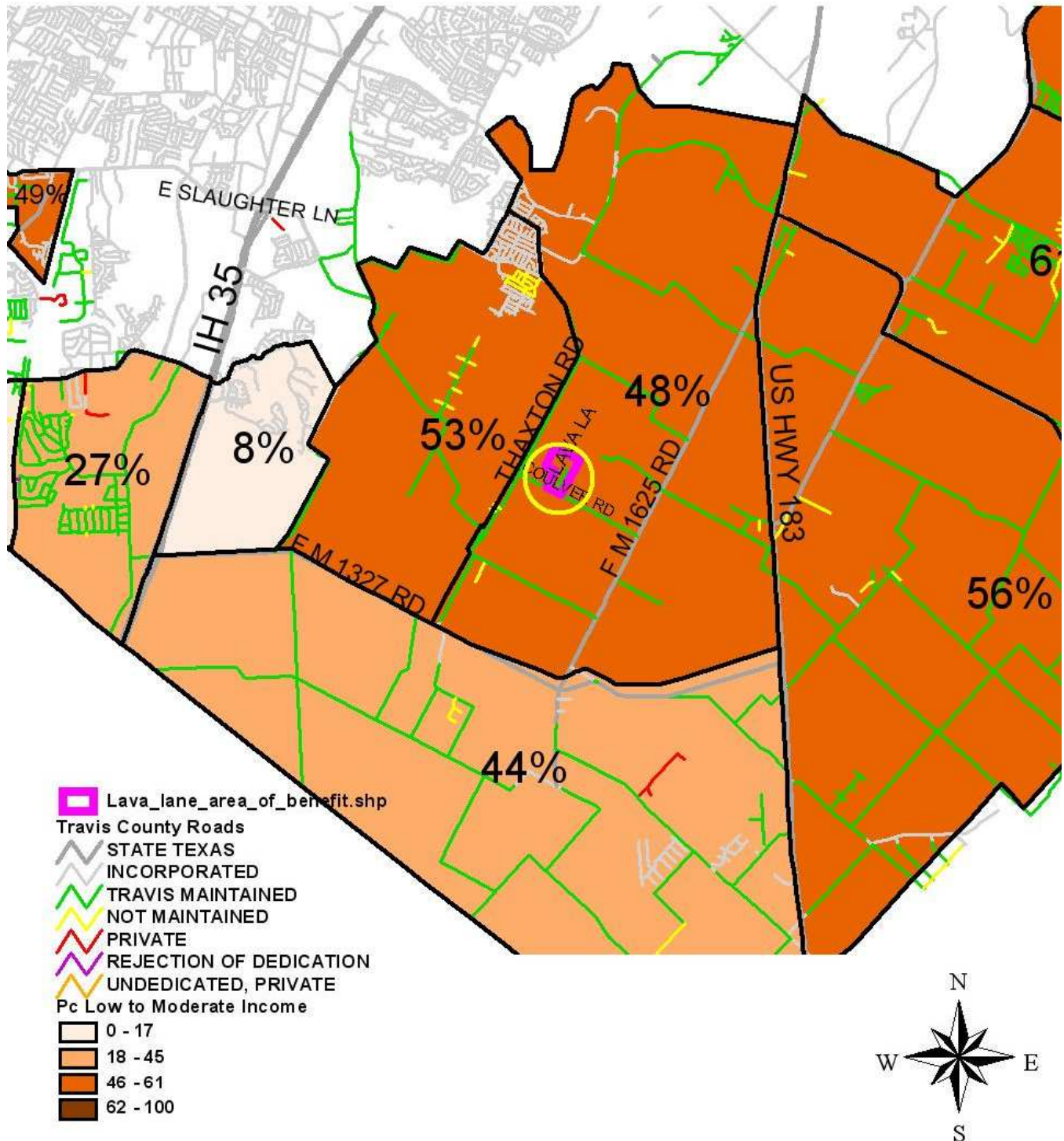


-Prepared by Travis County Health & Human Services & Veterans Service

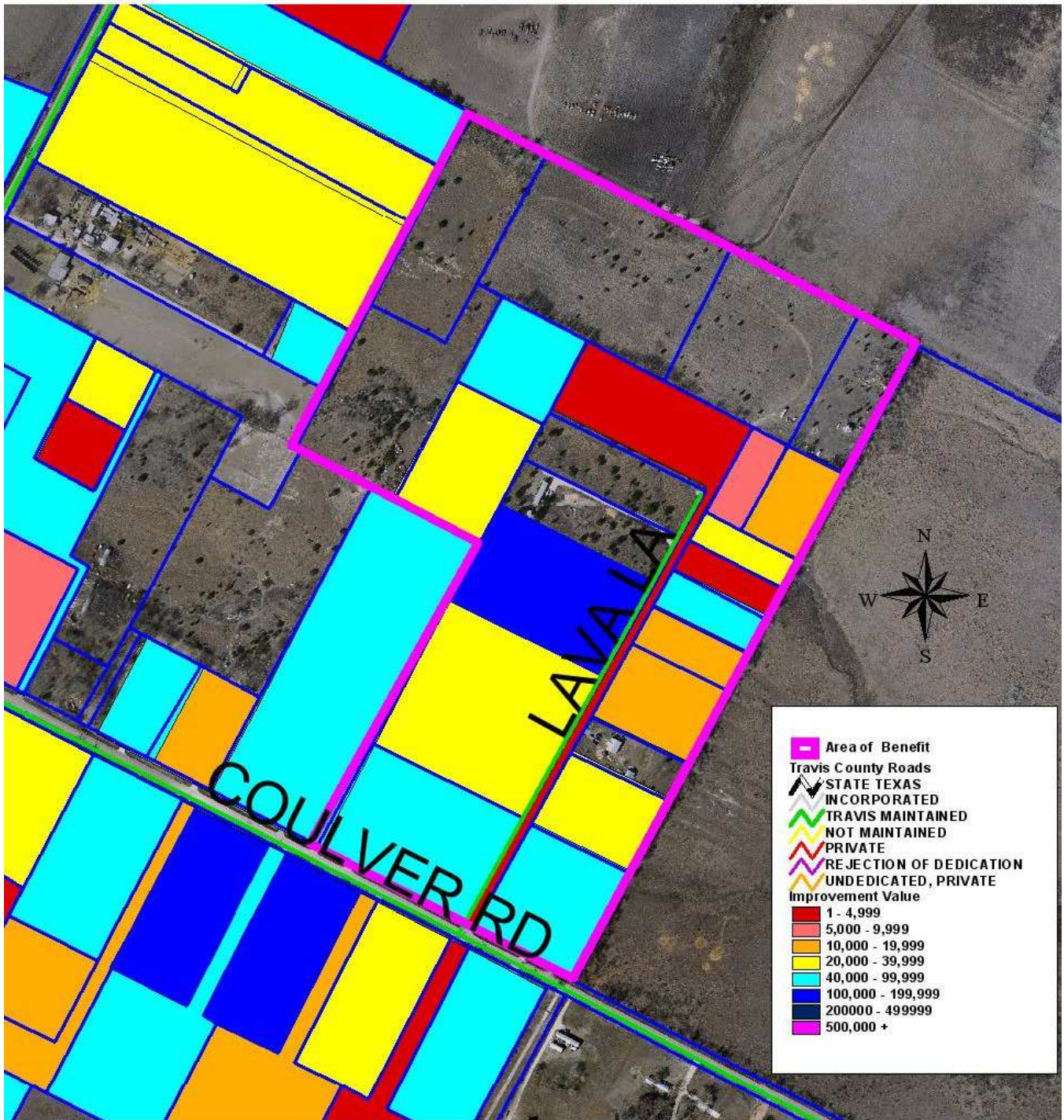
Lava Lane Substandard Road Location in Travis County



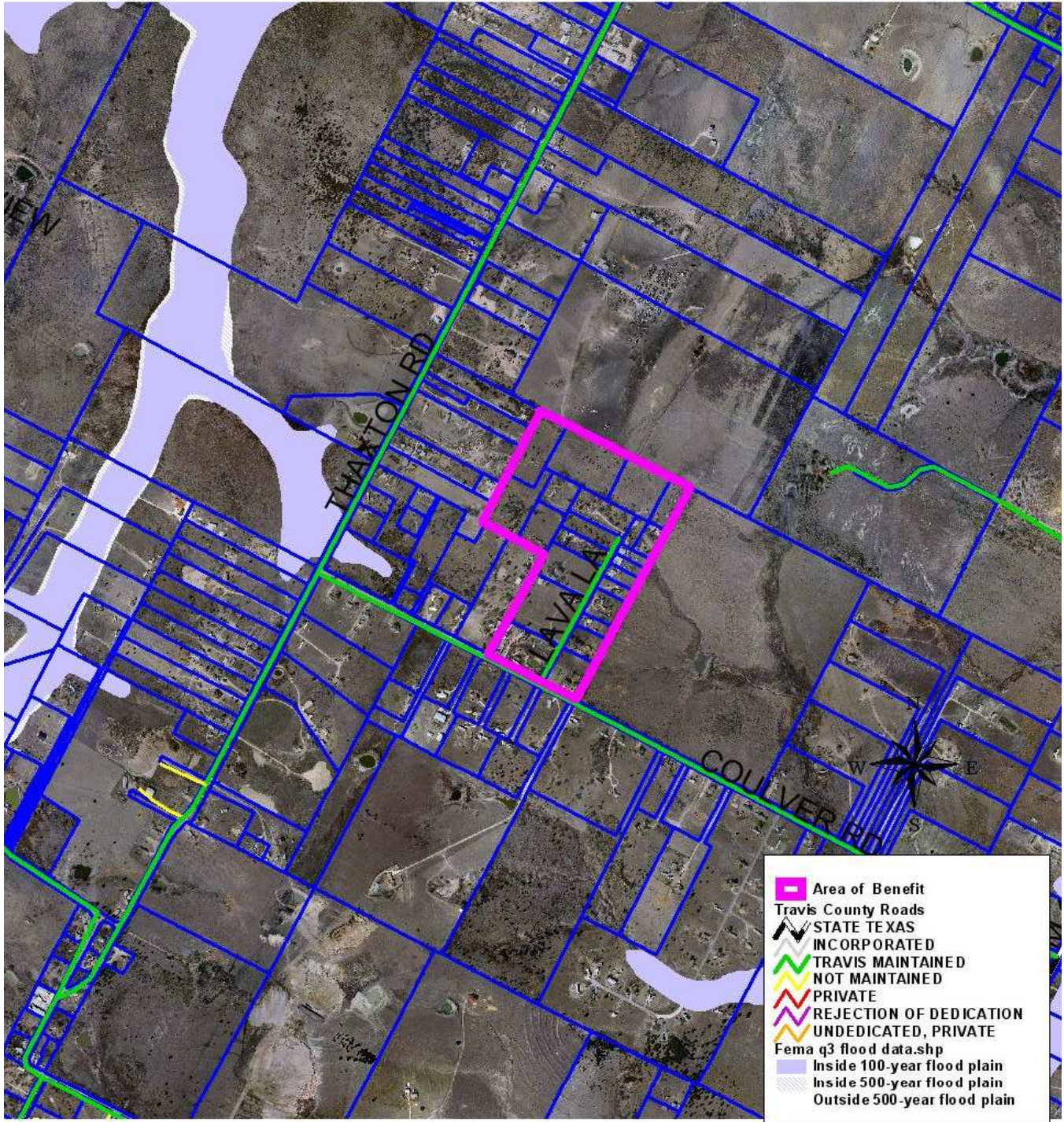
Lava Lane Substandard Road Percent Low to Moderate Income



Lava Lane Substandard Road Property Improvement Values



Lava Lane Substandard Road Flood Plain Locations



HHS & VS Social Service Investment Update

- Initial department request for FY09
- City HHS plans for FY09
- Coordinated planning – County, City, United Way
- Outside funding requests
- Options for FY09

#5

HHS & VS Initial Proposal

- For the FY09 budget, HHS&VS requested a \$500,000 increase to our social service investment pool
- Build upon joint work with City of Austin and United Way to identify issues most closely aligned with County priorities
- Address emerging gaps in human services caused by changing community and economic conditions
- Propose to procure specific services to fill identified gaps rather than across-the-board increases to all providers

City Plan for FY09

- Most current information indicates that the City of Austin plans the following regarding purchased social services
 - Increase total investment by 3.5% starting in January 2009
 - Address key issues, rather than across-the-board increase (final recommendations planned for City Council PHHS Subcommittee 8-19-08)
 - Methods for investment are still in development

Coordinated Planning

- Since December, County, City and United Way staff have engaged in joint process to inform funding decisions
 - Outlined individual priorities to build shared framework to assess investments
 - Developed and implemented short term response to impacts of new United Way funding model*
 - Completed first round of Community Conversations (11 focus groups) to help identify emerging issues and challenges for FY09
 - Coordinated work continues to better align our investments

Outside Requests

- HHS&VS received and included in our budget submission 30 requests totaling just over \$3.1 million
 - 5 capital requests totaling \$950,000*
 - Range in size from \$6,758 to \$346,408
 - Largest number of requests are to serve children and youth
 - 63% (19 of 30) have current contracts with Travis County
 - Includes 4 from community collaborations

Options for FY09

- Increase investment in social services purchased from community based organizations*
- Target new investments on high need services/populations – possible priorities include:
 - Basic needs: direct services and/or access to federal benefits
 - Literacy and English as Second Language: overcome key barrier to accessing services, housing, employment
 - Community based mental health services
 - Pilot and evaluate service delivery approaches that offer more intensive/comprehensive services to priority groups
- Procure expanded services during first quarter of FY09
- Continue work around broader community plan to guide future investments

Ongoing Community Planning

- **Interests:**
 - Increase investment (all types of resources) to meet human needs
 - Broader participation and action
 - Greater awareness and shared understanding of issues facing our community
- **Desired Outcomes:**
 - Identify key goals around which the community can rally
 - Motivate greater investment in human needs
 - Build systems to monitor impacts on the community

TRAVIS COUNTY HEALTH AND HUMAN SERVICES AND VETERANS SERVICE - SOCIAL SERVICE CONTRACTOR REQUESTS, FY09							
SOCIAL SERVICE GENERAL FUND INVESTMENT REQUESTS - FY09							
Organization	Budget Request Name	Purpose*	Amount Newly Requested	Total Current HHS Funding for Contract Agency	Amount Newly Requested as % of Total Current HHS Funding	Total Agency Budget (from AFR - July 2007)	Amount Newly Requested as % of Total Agency Budget
American YouthWorks	FY08 E-C Auxiliary	Green Collar Training. Training of 50 Environmental Corps members in safety, job skills keyed to specific green collar jobs, and job readiness (community relations, conflict resolution, and leadership development)	\$50,000	\$474,687	11%	\$7,434,590	0.67%
ARC of the Capital Area, The	Family and Caregiver Services	Education Preparedness for Youth with Disabilities and Guardianship and Respite Services for their Caregivers. Provide half the funding for a full-time employee dedicated to this program, which will provide educational preparedness to Travis County youth with developmental disabilities. Funding will also support guardianship services, preparing persons seeking guardianship of their disabled family member and linking them to pro-bono legal assistance. Finally, funding will also be used to provide respite services, which will allow parents and caregivers an opportunity to leave their child/young adult with trained staff for socialization and recreation geared for children with developmental disabilities.	\$10,000	\$97,656	10%	\$1,436,485	0.70%
ARC of the Capital Area, The	Juvenile Justice Services	Case Management & Advocacy for Offending/At-Risk Youth with Developmental Disabilities. Supplement the personnel cost for a full-time employee dedicated to this program, which provides case management and advocacy for Travis County youth (ages 11-17) with developmental disabilities who have offended or are at risk of offending as well as support for their families.	\$10,000	\$97,656	10%	\$1,436,485	0.70%
Austin Academy	Austin Academy (Adult Basic Education)	Adult Basic Education. Provide adult basic education to 55 persons who score under a 7th grade level on the TABE in reading and math. The goal will then be to move these participants into the GED/Workplace programs so that they can obtain their GED, learn computer skills, and find employment at a livable wage. <i>Note: They have already turned away more than 60 such applicants in the first quarter of the year.</i>	\$45,000	\$43,609	103%	\$410,000	10.98%
Austin Child Guidance Center	Medicaid / CHIP Insurance Impact Services	Mental Health Services for Children and Youth. Short-term start-up funds, which will decline over three years, to hire 2 full-time counselors and 1 part-time support staff to serve 288 Medicaid/CHIP clients in FY09. An array of mental health services will target indigent and working poor children, adolescents, and families needing services with few to no options for treatment due to limited financial and community resources. <i>Note: Many of the 99 current wait-list applicants have Medicaid/CHIP.</i>	\$130,000	\$101,343	128%	\$1,356,260	9.59%
Austin Partners in Education	Study Group	Study Groups (Partners in Reading, Literature, Math, and Technology). Funding will allow 4 Coordinators to be hired; 400 Volunteers to be recruited, processed, and trained; 16 Teachers to be trained; and 400 study groups started for between 1,000 and 1,600 students. Students learn with volunteers in (preferably 3-person) study groups for 50 minutes per week. Coaches use Socratic questioning, motivation and other techniques to raise student learning skills and increase confidence, while helping them master the material on a fundamental level. The program recommends working with 2nd graders; alternatively, the program could work with 4th graders but serve half as many students. <i>Appears</i> that most of these services occur during school hours.	\$200,000	0	N/A	Unknown	Unknown
Organization	Budget Request Name	Purpose*	Amount Newly Requested	Total Current HHS Funding for Contract Agency	Amount Newly Requested as % of Total Current HHS Funding	Total Agency Budget (from AFR - July 2007)	Amount Newly Requested as % of Total Agency Budget
AVANCE	Parent-Child Education Program	Parenting Education and Early Childhood Development Activities. This program offers family support and education to low-income Hispanic families with children ages 0-3. It includes 9 months of weekly classes (offered 5 days a week) covering parenting education (e.g., financial responsibility, child safety, nutrition, health, civic engagement/education, government social services, etc.) and on-site early childhood development activities for children.	\$196,888	0	N/A	Unknown	Unknown
Basic Needs Coalition	BNC Housing Stability Coordinator	Real-time Housing Availability Listserve. A Housing Stability Specialist would be hired to immediately notify Case Managers as soon as housing becomes available via an email listserve. The email will also include information such as area, cost, size of unit, eligibility requirements, etc.	\$17,208	0	N/A	Unknown	Unknown
Basic Needs Coalition	BNC Pilot Food Pantry	Pilot Food Pantry for Working Poor. Pilot project to expand the food pantry services in South East Travis County--increase hours of operation on Saturdays or evening hours during the week so that individuals and families who are employed can access food pantry services. Also will identify high poverty zip codes in which there are no pantries and increase capacity of existing pantries to expand service areas to cover these underserved zip codes.	\$30,000	0	N/A	Unknown	Unknown
Best Single Source	BNC Direct Services	Financial Assistance to Best Single Source Clients. Funding will be used to provide direct financial assistance to clients in the Best Single Source program.	\$100,000	\$464,400	22%	\$5,346,704	1.87%

Big Brothers Big Sisters of Central Texas**	BBBS of Central Texas (Cost Increase)	Coverage for Rising Costs. To support increased service delivery expenses accrued for the 135 children funded by Travis County. While they have tried to implement cost containment measures, some costs are out of their control: molestation and child abuse insurance premiums, auto fuel, utilities, and health care costs (even after switching to a less expensive provider and increasing employee co-payments).	\$36,450	\$62,257	59%	\$2,278,908	1.60%
Blackland Transitional Housing	Blackland Transitional Housing	Resource Building and Financial & Parenting Classes. Nearly 2/3 (70%) of the requested funding will go to (1) providing classes in financial literacy and parenting skills as well as (2) additional staff time for the Case Manager to build collaborations with other organizations (e.g., People's Community Clinic) in order to increase the resources/services available to clients. Remaining funds will be used to pay for meals for clients who attend the classes.	\$6,758	\$9,301	73%	\$222,301	3.04%
Capital Area Mental Health Center	Capital Area Mental Health	Mental Health Care after Hospital Stabilization. Provide ongoing mental health services for persons stabilized in and released from Schoal Creek Hospital.	\$60,000	\$17,174	349%	\$204,070	29.40%
Capital IDEA	Workforce Development	Career Education, Adult Basic Education, and Childcare Services. 1. \$75,000 increase in core program; 2. \$25,000 Adult Basic Education (ESL and GED); 3. \$50,000 supplemental funds - childcare service funding recently cut at state level.	\$150,000	\$700,213	21%	\$3,432,645	4.37%
CASA of Travis County, Inc.	CASA/Family Drug Court – Advocacy for Children	Representation of Each Child's Interest in the Family Drug Court program. A dedicated CASA staff person will represent (and provide support to volunteers who represent) each child's best interest in the Family Drug Court, monitor frequent family visits, attend weekly Family Drug Court hearings and staffings, advocate for services to the children and their parents and make recommendations to the Court in the best interests of the children.	\$41,656	\$85,000	49%	\$2,237,500	1.86%

Organization	Budget Request Name	Purpose*	Amount Newly Requested	Total Current HHS Funding for Contract Agency	Amount Newly Requested as % of Total Current HHS Funding	Total Agency Budget (from AFR - July 2007)	Amount Newly Requested as % of Total Agency Budget
Catholic Charities of Central Texas	Immigration Legal Services	Immigration Legal Services. New position funding - FTE - Attorney to provide immigration legal services to lawful permanent residents, individuals with temporary visas, immigrant victims of crime and/or domestic violence, and those seeking to adjust their status to naturalized citizenship.	\$65,000	0	N/A	Unknown	Unknown
Council on At-Risk Youth	Positive Adolescent Choices Training Program	Youth Advisor for At-Risk Youth. New position - 1 FTE - Youth Advisor in Middle School to work with middle school youth who are in the school disciplinary system having been referred for assault, aggression, abuse and bullying offenses.	\$160,684	\$100,000	161%	Unknown	Unknown
Crime Prevention Institute	Employment Specialist	Employment Specialist. New position to provide pre-release job readiness skills trainings, individualized job skills inventory and assessments; post-release job placement assistance and follow up, and work with individual employers in the community to develop relationships with those who are willing to hire individuals with criminal histories.	\$71,206	\$53,813	132%	\$216,285	32.92%
Family Eldercare***	Family Eldercare, Inc.	In-Home Care, Bill Payer, and Service Coordination for Elderly and Disabled Persons. 1 FTE Bill Payer Case Manager (Social Worker), 1 FTE In-home Care Client Services Coordinator (Dispatcher), 1 FTE Intake and Support Service Coordinator (Social Worker), and .5 FTE In-Home Care Staffing Assistant (Human Resources Assistant). The program targets frail older adults and persons with disabilities who are low-income and at risk of abuse, neglect, financial exploitation, premature institutionalization and homelessness.	\$68,065	\$32,415	210%	\$3,765,552	1.81%
Literacy Coalition of Texas (LCCT)	Literacy Advancement Initiative of the LCCT	Centralized Recruitment, Training, and Support for Literacy Instructors. The Literacy Advancement Initiative will recruit, train, and provide supportive services for new and existing literacy instructors (volunteers and paid staff) to increase the literacy and educational levels of Travis County's most vulnerable families by improving the quality and efficacy of existing services at literacy service providers. The Literacy Advancement Initiative will address the critical issue of instructor retention by implementing individual and group supports for literacy instructors, including follow-up peer consultation sessions, teacher feedback and development, and web-based support portals to improve the satisfaction, efficacy, and retention rates of the trained volunteers. The Literacy Advancement Initiative will refer volunteers to appropriate organizations best matching their volunteer preferences, such as longevity of volunteer experience, preferred class size, hours of availability, location, and class type. Instructional toolkits of evidence-based teaching materials, modules, and resources for literacy instructors teaching both English as a Second Language (ESL) and Adult Basic Education (ABE) will be included as a key component of all trainings.	\$55,000	0	N/A	Unknown	Unknown
Out Youth	Counseling and Support	Counseling & Support Services at High Schools. This funding will allow the hiring of a staff member to provide specialized counseling and support services at area high schools, which will eliminate the transportation barrier for these students. The services will include assistance navigating the education system and developing positive coping skills. This staff member will also supervise student interns from local universities, allowing additional services to be provided.	\$48,160	\$12,880	374%	\$177,483	27.13%

Organization	Budget Request Name	Purpose*	Amount Newly Requested	Total Current HHS Funding for Contract Agency	Amount Newly Requested as % of Total Current HHS Funding	Total Agency Budget (from AFR - July 2007)	Amount Newly Requested as % of Total Agency Budget
Seedling Foundation	Mentoring Children of Incarcerated Parents	Mentors for Children with Incarcerated Parents. Expansion of school-based mentoring program for children of incarcerated parents who live in northeast, east, and southeast Austin. Funds would be used to (1) recruit, screen, train, and support an additional 150-175 volunteer mentors, (2) mentor an additional 225 children by adding schools in AISD and serving more students in currently participating schools, (3) administer group activities in school, and (4) evaluate the program.	\$50,000	0	N/A	Unknown	Unknown
Workers Assistance Program	Lasting Family Connections Expansion Program	Expansion of Youth Substance Abuse Program. The goal of the program is to prevent and or reduce the incidence of substance abuse among a high-risk population of male and female youth. The program is comprised of three modules, each 5-6 weeks in length. Each parent/caregiver and youth attends once a week for 18 weeks with sessions being 1.5-2 hours in duration. Participants will have more drug refusal skills, improved family relationships and bonding, and a graduation ceremony.	\$145,477	\$43,503	334%	\$6,700,000	2.17%
Wright House Wellness Center	Hepatitis C Disease Management Program	Expand Disease Management Program - Hepatitis C. Provide wraparound services for residents with Hep C - including outreach to those out of medical care, case management, food pantry, nutrition, mental health, and complementary health therapies	\$346,408	\$75,700	458%	\$1,315,000	26.34%
YWCA of Greater Austin	Services for Texas Women's Veterans Association and for Spanish-speaking	Expansion of Mental Health Services - Veteran & Spanish-Speaking Women. Provide specialized types of mental health services, informed by the Relational Therapy Model, for women veterans and Spanish-speaking women and their families.	\$88,349	\$90,596	98%	\$553,275	15.97%
Subtotal Number of Requests: 25			\$2,182,309	\$2,562,203	85%	\$38,523,543	6%
Subtotal Number of Requests from Organizations with Current HHS Contracts: 16 (or 64%)							

SOCIAL SERVICE CAPITAL INVESTMENT REQUESTS - FY09							
Organization	Budget Request Name	Purpose	Amount Newly Requested	Total Current HHS Funding for Contract Agency	Amount Newly Requested as % of Total Current HHS Funding	Total Agency Budget (from AFR - July 2007)	Amount Newly Requested as % of Total Agency Budget
Austin Children's Shelter	Austin Children's Shelter	Construction of a New Campus. ACS serves children suffering from abuse and neglect. They meet their basic needs (food, clothing, and shelter), offer medical and counseling services, ensure they stay on track with their education, and lay the foundation for transition into loving families. This campus would increase the number of beds available from 30 to 78. The new site will have 8 buildings on 13 acres of donated land.	\$250,000	\$49,203	20%	\$3,318,641	8%
Meals on Wheels and More	Meals on Wheels and More	Kitchen and Headquarter Expansion. This capital request is intended to increase capacity in order to meet the anticipated rapid growth in the "senior" population in the coming years. The current kitchen is strained to capacity.	\$250,000	\$115,026	46%	\$5,228,936	5%
People's Community Clinic	People's Community Clinic	Facility Expansion. In order to address the anticipated growth in and needs of uninsured and underinsured residents, this funding would be used to build a new facility. This additional facility would approximately double the clinic's size.	\$250,000	0	N/A	Unknown	Unknown
River City Youth Foundation	River City Youth Foundation	Success Center Facility Expansion. Double the size of the existing Success Center in Dove Springs where youth and family center services are provided to at-risk families in a multi-cultural setting. Key services include after-school homework assistance, cultural diversity training, parent support training, mentoring, counseling, nutritional supper feeding, and college and career awareness activities. Key programs include Computer Lab, Nutritious Meals Program, My Hero Mentoring, Neighborhood Youth Corps, and I Can Be Me! Dove Springs Safe & Drug Free (which includes a licensed counselor). This expansion will increase services from 250 to over 500 youth and families annually; and it will raise community participation in neighborhood events from 3,000 to 6,000 annually.	\$100,000	\$45,083	45%	\$323,388	31%
Southwest Key Programs, Inc.	Southwest Key Programs, Inc.	Meeting Room for Health Purposes and Hike/Bike Trail. Approximately 3/4 of the funds will be used to construct a meeting/training room, which will be utilized to provide health promotion, nutrition, and wellness training sessions and workshops. The remaining funds will be used to continue land clearing and construction for the Southwest Key Hike and Bike Trail. All of these features are located at the Easat Austin Community Development Project site and will be open to the public in East Austin to promote community-wide health and wellness.	\$100,000	0	N/A	Unknown	Unknown
Subtotal Number of Requests: 5			\$950,000	\$209,312	454%	\$8,870,965	11%
Subtotal Number of Requests from Organizations with Current HHS Contracts: 3 (or 60%)							
Total Number of Requests: 30			\$3,132,309				
Total Number of Requests from Organizations with Current HHS Contracts: 19 (or 63%)							
* Funding requests typically cover a one-year period but some requests cover different time periods.							
** Not included in the PBO analysis submitted to the Court due to later receipt of this PB4							
*** PBO's analysis lists \$100,480 as the total amount requested by Family Eldercare since this was the total amount listed on their PB4 although it included \$32,415 of their current allocation. This latter amount was reduced from the total in the above-calculation.							

FY 2009 BUDGET REQUEST ANALYSIS

Department: Health and Human Services
Division: Various
Source of Funding: General Fund
Request Name: Social Service Programmatic Investment Increase, Substance Abuse Managed Services Organization Contract increase, and Community Partners for Children, Contracted Care Coordinator

	FY 09 Request	PBO Recommendation	FY 10 Cost
FTEs	0	0	0
Personnel	\$0	\$0	\$0
Operating	\$667,664	\$0	\$0
Subtotal	\$667,664	\$0	\$0
Capital	\$0	\$0	\$0
Total Request	\$667,664	\$0	\$0

Summary of Request:

The department has submitted three separate requesting totaling \$667,664 that would provide additional resources for local social services.

Budget Request Pros & Cons:

Pros	Cons
<ul style="list-style-type: none"> • <i>New approach to social service contract</i> 	<ul style="list-style-type: none"> • <i>Adds more complexity and analysis to process</i>
<ul style="list-style-type: none"> • <i>Funding would go to identified service gaps</i> 	<ul style="list-style-type: none"> • <i>Will likely take longer than proposed timeline</i>
<ul style="list-style-type: none"> • <i>Community Partners request falls under program priority areas</i> 	<ul style="list-style-type: none"> • <i>Limited fund available</i>

PBO Recommendation:

PBO does not recommend funding the requests due to limited availability funds. The department has proposed a new approach for social service contract based on identified service gaps and a competitive process rather than across the board increases which has been used at times in the past. Since this is a new approach and could take some time to properly evaluate the requests, PBO suggests if the Commissioners Court wishes to follow this approach, the evaluations could be done during FY 09 and included in the funding recommendations for FY 10. In addition, given the large number of submitted requests from HHS that will likely go unfunded, the unfunded requests may also want to be included in the process. In addition, it might be helpful for the department to see if other large counties or cities have moved to a similar process and find out the results of those efforts.

Budget Request Performance Measures:

Description	Actual FY 07 Measure	Revised FY 08 Projected Measure	Projected FY 09 Measure at Target Budget Level	Revised FY 09 Measure with Additional Resources
Social Service Programmatic Investment Increase				
None submitted				
Substance Abuse Managed Services Organization Increase				
None submitted	Dept states existing ATMHR measures would be adjusted			
Community Partners for Children, Contracted Care Coordinator				
Number of Youth Served				12
Improved School Attendance				10
Decrease in number and/or seriousness of referrals to juvenile justice				10
Self-report improved functioning at home				10

Analysis/Comments:

The department has submitted three separate requests totaling \$667,664 that would provide additional resources for local social services. The first request is titled Social Service Programmatic Investment Increase and is \$500,000. The County has typically applied an across the board increase for social service contracts when funds have been available. The department is proposing to move away from this approach and release an RFP for agencies to competitively bid for services. The department notes through this process, staff will identify key gaps in services that most closely align with County priorities. The department would like to have the contracts with the agencies by January 1, 2009. The department plans to use 10-15% of the funding for an independent third party evaluation.

The second request is for \$100,000 for substance abuse treatment resources and is the second phase of the efforts being conducted by Travis County, City of Austin, Health District, and MHMR to provide additional services to those with mental health issues. The first phase included Travis County providing \$400,000

per year for the Mobile Crisis Outreach Team (MCOT). The department has includes this as a place holder request while additional details are being developed.

The third request is to provide additional resources for an existing social service contract for care coordinator positions that would provide direct support to youth with complex, multi-system issues and their families. The position would work in collaboration with the Community Partners for Children (CPC) and youth would be identified through the CPC referral process.

FY 2009 BUDGET REQUEST ANALYSIS

Department: Health and Human Services
Division: Various
Source of Funding: General Fund and County Corporations
Request Name: Non-County Requests

	FY 09 Request	PBO Recommendation	FY 10 Cost
General Fund	\$2,178,274	0	0
County Corporations	\$700,000	\$0	\$0
Total Request	\$2,248,274	\$0	\$0

Summary of Request:

Health and Human Services included 24 separate non-county requests for General Fund resources totaling \$2,178,274 and four non-county requests for capital resources from the County Corporations. The department notes the requests were unsolicited. The department desires direction to have a competitive process for these County funds.

Budget Request Pros & Cons:

Pros	Cons
<ul style="list-style-type: none"> • <i>Provides additional resources to local social service agencies</i> 	<ul style="list-style-type: none"> • <i>Limited funding</i>
<ul style="list-style-type: none"> • <i>The Commissioners Court could selected specific programs rather than applied a across the board increase to agencies as in years past</i> 	<ul style="list-style-type: none"> • <i>Limited or no performance measures for many of the requests</i>

PBO Recommendation:

Due to the size and scope of the submitted requests and given there are limited funds available, PBO does not recommend funding. The department may wish to prioritize only the most urgent needs and include this discussion at the department's budget hearing. Given the limited number of resources in the General Fund, the Court may wish to use County Corporation funding. It is currently estimated that \$150,000 to \$250,000 may be available for FY 09. The \$250,000 amount assumes the County Corporations will receive a promised \$100,000 donation for the Visitation Center.

Analysis/Comments:

Health and Human Services included 24 separate non-county requests for General Fund resources totaling \$2,178,274 and an additional four non-county requests for capital resources from the County Corporations totaling \$700,000.

The combined total of these 28 requests is \$2,248,274. The summary tables below include individual request by name and amount requested.

Non-County General Fund Requests			
	One-time	On-going	Total
American Youth Works	\$ 29,000	\$ 21,000	\$ 50,000
ARC of the Capital Area - Family and Care Giver Services	\$ 10,000		\$ 10,000
ARC of the Capital Area - Juvenile Justice Services	\$ 10,000		\$ 10,000
Austin Academy	\$ 5,000	\$ 40,000	\$ 45,000
Austin Child Guidance Center Medicaid	\$ -	\$ 130,000	\$ 130,000
Austin Partners in Education	\$ -	\$ 200,000	\$ 200,000
AVANCE		\$ 196,888	\$ 196,888
Basic Needs Coalition - Pilot Food Pantry	\$ 30,000		\$ 30,000
Basic Needs Coalition - Part-time Housing Stability Specialist		\$ 17,208	\$ 17,208
Basic Needs Coalition - Direct Assistance		\$ 100,000	\$ 100,000
Blackland		\$ 6,758	\$ 6,758
Capital Area Mental Health		\$ 60,000	\$ 60,000
CASA		\$ 41,656	\$ 41,656
Catholic Charities of Central Texas	\$ 65,000		\$ 65,000
Council for At Risk Youth (CARY)		\$ 160,684	\$ 160,684
Crime Prevention Institute		\$ 71,206	\$ 71,206
Family Elder Care		\$ 100,480	\$ 100,480
Out Youth Counseling and Support		\$ 48,160	\$ 48,160
Seedling Foundation		\$ 50,000	\$ 50,000
Workers Assistance Program	\$ 22,634	\$ 122,843	\$ 145,477
Wright House		\$ 346,408	\$ 346,408
YWCA of Greater Austin		\$ 88,349	\$ 88,349
Capital Idea		\$ 150,000	\$ 150,000
Literacy Coalition of Central Texas	\$ 55,000		\$ 55,000
Total External GF Requests	\$ 226,634	\$ 1,951,640	\$ 2,178,274

External Courtesy Capital Requests		
	River City Youth Foundation	100,000
	Meals on Wheels and More*	250,000
	Peoples Community Clinic	250,000
	Austin Children's Shelter (submitted directly to the Commissioners Court)	250,000
	Southwest Keys	100,000
	Total External Courtesy Capital Requests	950,000

The amounts shown are the original request and have not been verified by PBO

* Already approved by Travis County Health Facilities Development Corporation

BUDGET AMENDMENTS AND TRANSFERS FY 2008

8/5/2008

AMENDMENTS

BA#	Project Code	FUND	DEPT/DIV	ACT	ELM/OBI	Dept.	Line Item	Increase	Decrease	Pg #
A1		001	9800	981	9891	Reserves	CAR Reserves		\$ 37,419	1
		001	4996	823	8020	TNR	Autos & Trucks	\$ 12,375		
		001	4996	829	8020	TNR	Autos & Trucks	\$ 25,044		

TRANSFERS

BA#	Project Code	FUND	DEPT/DIV	ACT	ELM/OBI	Dept.	Allocated Reser	Increase	Decrease	Pg #
T1		001	4996	824	3021	TNR	Auto Rep & Eqmt		\$ 150	1
		001	4996	824	8021	TNR	Auto Rep & Eqmt		\$ 1,100	
		001	4996	821	8020	TNR	Autos & Trucks		\$ 9,383	
		001	4996	821	8043	TNR	Yards,Grounds		\$ 1,992	
		001	4996	823	8020	TNR	Autos & Trucks	\$ 12,625		
T2		001	9397	544	6306	Civil Cts.	Ct Rpt.-Indigen		\$ 8,800	8
		001	9397	544	6018	Civil Cts.	Interpreters	\$ 8,800		
T3		001	1405	525	6099	Facilities	Other Purc.Serv.		\$ 1,200	10
		001	1415	525	6104	Facilities	Rent-Other	\$ 1,200		
T4		001	1405	821	5004	Facilities	Rprs-Bldg Struc		\$ 13,301	10
		001	1415	823	6104	Facilities	Rent-Other	\$ 13,301		

FUND TRANSFERS

BA#	Project Code	FUND	DEPT/DIV	ACT	ELM/OBI	Dept.	Line Item	Increase	Decrease	Pg #
FT1	WPN002	737	0000	255	3101	LCRA Escrow	Arkansas Bend		\$ 12,047.30	14
		001	4945	339	2010	TNR	Park Fees	\$ 12,047.30		
FT2	WPN003	737	0000	255	3102	LCRA Escrow	Bob Wentz		\$ 60,091.22	14
		001	4945	339	2010	TNR	Park Fees	\$ 60,091.22		
FT3	WPN004	737	0000	255	3103	LCRA Escrow	Cypress Creek		\$ 27,506.66	14
		001	4945	339	2010	TNR	Park Fees	\$ 27,506.66		

FUND TRANSFERS

BA#	Project Code	FUND	DEPT/DI V	ACT	ELM/OBI	Dept.	Line Item	Increase	Decrease	Pg #
FT4	WPN008	737	0000	255	3104	LCRA Escrow	Hippie Hollow		\$ 118,038.30	14
		001	4945	339	2010	TNR	Park Fees	\$ 118,038.30		
FT5	WPN010	737	0000	255	3105	LCRA Escrow	Mansfield Dam		\$ 101,656.19	14
		001	4945	339	2010	TNR	Park Fees	\$ 101,656.19		
FT6	WPS003	737	0000	255	3106	LCRA Escrow	Pace Bend		\$ 190,820.11	14
		001	4945	339	2010	TNR	Park Fees	\$ 190,820.11		
FT7	WPN013	737	0000	255	3107	LCRA Escrow	Sandy Creek		\$ 13,414.06	14
		001	4945	339	2010	TNR	Park Fees	\$ 13,414.06		
FT8	N/A	737	0000	256	4000	LCRA Escrow	Interest		\$ 2,438.66	14
		001	4945	339	2010	TNR	Park Fees	\$ 2,438.66		




PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

314 W. 11th Street
P.O. Box 1748
Austin, Texas 78767

MEMORANDUM

TO: Commissioners Court

FROM: Jessica Rio, Assistant Budget Manager 

DATE: August 1, 2008

SUBJECT: TNR Budget Adjustment – Failing Vehicles

TNR is requesting additional funds to replace two vehicles that the Fleet Manager has determined need to be replaced. In recent years, the Commissioners Court has approved an earmark on the Capital Acquisition Resources (CAR) account to handle the replacement of vehicles that have mid-year maintenance requirements that would necessitate a large County investment to fix (more so than is financially advisable). This earmark is intended to be accessed only on rare occasions. It should be noted that this is the first request in FY 08 to access these funds. However, there has been a transfer (totaling \$190,619) related to the portion covered by the General Fund to replace vehicles involved in accidents, between September 2006 and November 2007, with remaining funding coming from the Risk Management Fund.

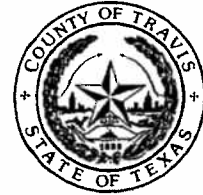
TNR states that it has two vehicles that are in need of repairs that should instead be replaced due to their significant mechanical issues given their age and mileage. The first is a Constable 1 vehicle that is a 2000 sedan with 146,578 miles accrued. TNR estimates that the cost to repair the vehicle is estimated at \$3,000. TNR has estimated that it has a current value of \$1,500. In addition, this vehicle was recommended for replacement in the FY 09 Preliminary Budget at \$25,000. PBO will recommend removing FY 09 funding on a correction list during Mark-up if this request is funded in FY 08 as proposed.

The TNR vehicle is a 2002 Ranger SUV with 149,000 miles. The Fleet Manager estimates that the repairs will cost \$2,000. TNR has estimated that the SUV has a current value of \$2,000 and is not worth repairing. The requested replacement vehicle is a similar SUV as the one proposed to be replaced. PBO encourages the department to purchase alternative fuel vehicles wherever possible.

CAR has an earmark for failing vehicles totaling \$53,000. The intent of this earmark was to cover the replacement of up to two vehicles in FY 08, if there was sufficient evidence

that such replacements were needed. While TNR's request for additional funding totals \$53,500, TNR was asked to first look at any realized savings related to centralized vehicles that could be used for this request. The department identified \$16,081 internally that could be used to reduce the request from \$53,500 to \$37,419 from CAR Reserve and has internally funded \$16,081 internally. TNR has provided \$13,250 in budget transfers related to realized CAR savings within their central vehicle budget. In addition, there is an additional \$2,831 currently in the appropriate line item that can be used for this request. PBO concurs with the department's request to replace these vehicles in FY 08.

cc: Joe Gieselman (TNR)
Sheryl Holder (TNR)
Mike Joyce (TNR)
Cynthia McDonald (TNR)
Leroy Nellis (PBO)
Rodney Rhoades (PBO)



TRANSPORTATION AND NATURAL RESOURCES
 JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
 Executive Office Building, 11th Floor
 P. O. Box 1748
 Austin, Texas 78767
 (512) 473-9383
 FAX (512) 708-4697

August 1, 2008

MEMORANDUM

TO: Planning & Budget Office

THROUGH: Joseph P. Gieselman, Executive Manager, TNR

FROM: Mike Joyce, Fleet Manager, TNR

SUBJECT: Request Transfer of Earmark from CAR Reserve REVISED

TNR is requesting a transfer from the CAR Reserve (001-9800-981-9891) to TNR line items (001-4996-823-8020 & 001-4996-829-8020), of the earmark for unrepairable vehicles. This is for the replacement purchase of a Crown Victoria (Constable 1) and for an Explorer (TNR Parks) off the BuyBoard contract. The \$53,500 is to cover both the vehicle cost and the addition to rig out the vehicles. The detailed cost is shown in the table below.

Dept / Vehicle	Type	Total
Constable #1 / Crown Victoria	Sedan	\$25,000
TNR Parks / Explorer	SUV	\$28,500
	Total	\$53,500

Travis County Constable 1 vehicle # 1838 is a 2000 police sedan with 146,578 miles, and is used daily in their operation. At this time it is down for repairs due to engine failure. It will need a new engine at an estimated cost of \$3,000, along with some incidentals. The estimated value of this vehicle, with a good engine, is \$1,500. Even if repairs are done now, the vehicle is eligible for replacement in FY2009.

The TNR Parks vehicle, which is a Ranger SUV (# 2068), is a 2002 unit with 149,000 miles. The transmission is out in this unit and will cost \$2,000 plus to get it repaired. However, the high mileage is of serious concern. The estimated value of this vehicle, with a good transmission, is \$2,000.

These vehicles are not worth investing the time and money to repair at this time with such high mileage on them. The brakes, tires, transmission, engine, air conditioning or other mechanical components could still fail any day. The reliability of these vehicles with high mileage on them are greatly decreased and therefore best to replace. Also these vehicles would have been on the

2

Last updated 8-4-08 at 3:23 pm

FY09 replacement list, so it would be prudent to replace them now, and not spend additional money repairing them, both from a safety and a fiscal standpoint.

We can purchase a new sedan, in stock, from Philpott off the BuyBoard contract at this time if so approved. The Explorer most likely will have to be ordered.

cc: Jessica Rio, PBO Assistant Budget Manager
Luke Mercer, Constable 1
Charles Bergh, TNR Parks Division Director
Sheryl Holder, TNR Senior Financial Analyst

Budget Adjustment: 11662

Fyr _ Budget Type: 2008-Reg

Author: 49 - MCDONALD, CYNTHIA

Created: 7/28/2008 2:42:56 PM

PBO Category: Amendment

Court Date: Tuesday, Aug 5 2008

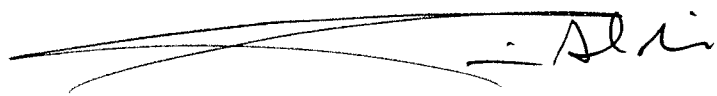
Dept: RESERVES

Just: Other

Transfer necessary to fund the cost of a replacement sedan for Constable #1 and a replacement SUV

From Account	Acct Desc	Project	Proj Desc	Amount
001-9800-981-9891	CAPITAL ACQUISTN RESERVES			37,419
				37,419
To Account		Project		Amount
001-4996-823-8020	AUTOMOBILES & TRUCKS			12,375
001-4996-829-8020	AUTOMOBILES & TRUCKS			25,044
				37,419

Approvals	Dept	Approved By	Date Approved
Originator	49	CYNTHIA MCDONALD	8/1/2008 11:04:36 AM
DepOffice	49	CYNTHIA MCDONALD	8/1/2008 11:04:38 AM
DepOfficeTo	49	CYNTHIA MCDONALD	8/1/2008 11:04:39 AM

 8/1/08

Budget Adjustment: 11737

Fyr _ Budget Type: 2008-Reg

Author: 49 - HOLDER, SHERYL

Created: 7/31/2008 8:08:19 AM

PBO Category: Transfer

Court Date: Tuesday, Aug 5 2008

Dept: TNR (TRANS & NATRL RESRC)

Just: CommCodeRq

1 of 2 Transfer necessary to supplement the cost of a replacement sedan for Constable #1. This

From Account	Acct Desc	Project	Proj Desc	Amount
001-4996-824-3021	AUTO REPAIR & EQUIP SUPP			150
001-4996-824-8021	AUTOMOTIVE REPAIR & EQMT			1,100
001-4996-821-8020	AUTOMOBILES & TRUCKS			9,383
001-4996-821-8043	YARDS, GROUND, AGRICL EQ			1,992
				12,625
To Account		Project		Amount
001-4996-823-8020	AUTOMOBILES & TRUCKS			12,625
				12,625

Approvals	Dept	Approved By	Date Approved
Originator	49	SHERYL HOLDER	7/31/2008 08:29:56 AM
DepOffice	49	CYNTHIA MCDONALD	7/31/2008 09:15:32 AM

[Handwritten signature] = ALN 8/1/08

Budget Adjustment: 11738

Fyr _ Budget Type: 2008-Reg

Author: 49 - HOLDER, SHERYL

Created: 7/31/2008 8:10:24 AM

PBO Category: Transfer

Court Date: Tuesday, Aug 5 2008

Dept: TNR (TRANS & NATRL RESRC)

Just: CommCodeRq

2 of 2 Transfer necessary to supplement the cost of a replacement sedan for TNR Parks. This

From Account	Acct Desc	Project	Proj Desc	Amount
001-4996-829-8061	ROAD & HIGHWAY EQUIPMENT			500
001-4945-829-3036	INSTITUTNL EQUIP & FURN			125
				625
To Account		Project		Amount
001-4996-829-8020	AUTOMOBILES & TRUCKS			625
				625

Approvals	Dept	Approved By	Date Approved
Originator	49	SHERYL HOLDER	7/31/2008 08:29:54 AM
DepOffice	49	CYNTHIA MCDONALD	7/31/2008 09:15:31 AM

 A handwritten signature in black ink, appearing to be "A. L. R.", followed by the date "8/1/08".

Budget Adjustment: 11761

Fyr _ Budget Type: 2008-Reg

Author: 22 - ELLIS, AMANDA

Created: 8/1/2008 11:30:29 AM

PBO Category: Transfer

Court Date: Tuesday, Aug 5 2008


Dept: LEGALLY MANDATED FEES

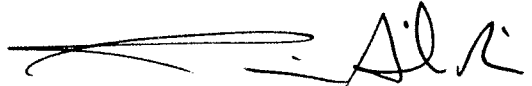
Just: Negbal

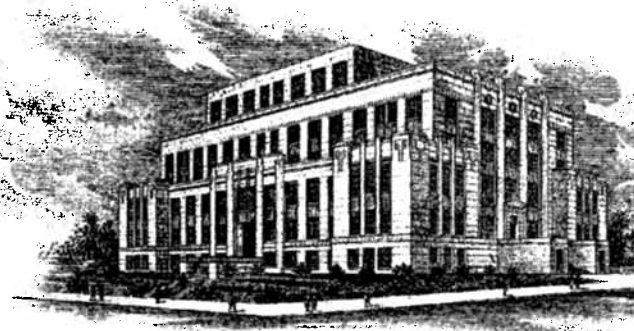
To cover projected expenditures

From Account	Acct Desc	Project	Proj Desc	Amount
001-9397-544-6306	COURT REPORTING-INDIGENTS			8,800
				8,800
To Account		Project		Amount
001-9397-544-6018	INTERPRETERS			8,800
				8,800

Approvals	Dept	Approved By	Date Approved
Originator	22	AMANDA ELLIS	8/1/2008 11:30:35 AM
DepOffice	22	MARGARET LIEDTKE	8/1/2008 11:32:22 AM

PBO concurs. 


8/1/08



RECEIVED
08 JUL 32 AM 11:32
TRAVIS COUNTY
PLANNING & BUDGET OFFICE

Office of the District Judges
Heman Marion Sweatt Courthouse
P.O. Box 1748
Austin, Texas 78767

MEMORANDUM

TO: Jessica Rio, Assistant Budget Manager
Planning and Budget Office


FROM: Peg Liedtke, Director of Court Management
Travis County Civil Courts

DATE: August 1, 2008

RE: Request for Budget Transfer from
Court Reporting Indigents Line-Item to Court Interpreter Line-Item

As of August 1, 2008, the Civil Courts have depleted the legally mandated court interpreter line-item (# 1-9397-5443.60-18) that was originally budgeted at \$17,000. Due to several outstanding invoices currently pending, we respectfully request permission to transfer \$8,800 from the court reporting indigent line-item #1-9397-544.63.06. We anticipate this transfer will cover the outstanding invoices, as attached, as well as any other invoices for the remainder of Fiscal Year 2008.

Please do not hesitate to contact me 854-9364 should you have any further questions.


Peg Liedtke
Director of Court Management
Travis County Civil Courts



PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

314 W. 11th Street
P.O. Box 1748
Austin, Texas 78767

MEMORANDUM

TO: Members of Commissioners Court

FROM: Diana A. Ramirez, Sr. Budget Analyst *DA Ramirez*

DATE: July 30, 2008

RE: Request to transfer funding from Canceled Space Renovation Project to Emergency Use of Spot Coolers for Keith Ruiz Building

Facilities Management Department (FMD) is requesting that \$13,301 in CAR funding and \$1,200 in operating funding (\$14,501 total) designated for a space renovation project in FY 08 be transferred to cover the emergency rental of spot coolers for the Keith Ruiz Building. FMD reports that the spot coolers are needed because one of the large rooftop units has failed before the scheduled replacement.

FMD has internally funded the rental of the coolers from June 9 through July 8. The spot cooler will be needed through approximately August 15 (when the new rooftop unit is scheduled to be installed and operational). The \$14,501 will cover this period of rental.

The Domestic Relations Office has verified that the renovation project for a position added to the budget in FY 08 is no longer needed as the position was accommodated in existing space.

PBO concurs.

cc: Rodney Rhoades, Leroy Nellis, Jessica Rio, PBO
Roger El Khoury, John Carr, Amy Draper, FMD
Alicia Perez, Lynn Harper, Admin Ops



FACILITIES MANAGEMENT DEPARTMENT

Roger A. El Khoury, M.S, P.E., Director

1010 Lavaca Street, Suite 400 • P.O. Box 1748, Austin, Texas 78767 • Phone: (512) 854-9661 • Fax: (512) 854-9226

MEMORANDUM

FMD Project: ABB55-01-06C-1R

File: 102

TO: Rodney Rhoades, Executive Manager, Planning and Budget Office

VIA: Roger A. El Khoury, M.S., P.E., Director

FROM: John F. Carr, Administrative Director

DATE: July 28, 2008

SUBJECT: Funding Issue – Spot Coolers – Keith Ruiz Building

Facilities Management Department (FMD) requests your support in obtaining authorization to use \$13,301 of CAR funding and \$1,200 of general funding from the cancelled Domestic Relations Office project. The DRO renovation project was included in the FY08 budget to accommodate a new FTE. It became possible for DRO to house this new FTE without the anticipated renovation work. FMD requests allocation of this \$14,501 to pay for rental of spot coolers for the Keith Ruiz Building. One of the large roof top units failed, which resulted in the requirement to rent 15 spot coolers until such time as the roof top unit could be procured and installed. FMD paid for the rental of the units for the period of June 9th through July 8th, 2008 using operational funds. It is necessary to continue renting the spot coolers though approximately August 15, 2008. This additional five weeks of rental is anticipated to cost \$14,063. FMD therefore requests transfer of funding from 001-1405-821-5004 (\$13,301) to 001-1415-823-6104 and from 001-1405-525-6099 (\$1,200) to 001-1415-525-6104 as per budget adjustments loaded in the system.

FMD requests your support in obtaining approval for this funding request at the August 5, 2008 voting session. Your support in obtaining approval of this request is appreciated. Please direct any questions to Roger at 44579 or to John at 44772.

COPY TO:

Alicia Perez, Executive Manager, Administrative Operations

Lloyd Evans, Maintenance Division Director, FMD

Amy Draper, CPA, Financial Manager, FMD

Diana Ramirez, Senior Budget Analyst, PBO

RECEIVED
08 JUL 28 PM 3:50
TRAVIS COUNTY
PLANNING & BUDGET OFFICE

11

Budget Adjustment: 11671

Fyr _ Budget Type: 2008-Reg

Author: 14 - DRAPER, AMY

Created: 7/29/2008 8:29:58 AM

PBO Category: Transfer

Court Date: Tuesday, Aug 5 2008

Dept: FACILITIES MANAGEMENT

Just: Other

Transfer funds from canceled DRO renovation project to cover rental of spot coolers for Ruiz Bldg

001-1405-525-6099 OTHER PURCHASED SERVICES

From Account	Acct Desc	Project	Proj Desc	Amount
001-1405-525-6099	OTHER PURCHASED SERVICES			1,200
To Account		Project		1,200
001-1415-525-6104	RENT-OTHER MACH & EQUIP			1,200
				1,200

Approvals
 Originator 14 AMY DRAPER
 DepOffice 14 AMY DRAPER

Date Approved
 7/29/2008 02:22:28 PM
 7/29/2008 02:22:29 PM

Draper
~~_____~~ *Alia 8/1/08*

Budget Adjustment: 11670

Fyr _ Budget Type: 2008-Reg

Author: 14 - DRAPER, AMY

Created: 7/29/2008 8:29:05 AM

PBO Category: Transfer

Court Date: Tuesday, Aug 5 2008

Dept: FACILITIES MANAGEMENT

Just: Other

Transfer funds from canceled DRO renovation project to cover rental of spot coolers for Ruiz Bldg

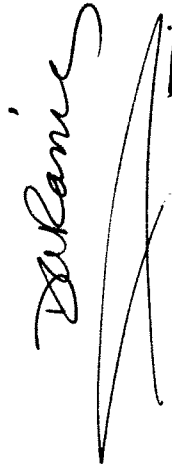
From Account	Acct Desc	Project	Proj Desc	Amount
001-1405-821-5004	REPRS-BLDG STRUCT & EQUIP			13,301
To Account		Project		13,301
001-1415-823-6104	RENT-OTHER MACH & EQUIP			Amount
				13,301
				13,301

Approvals
Originator
DepOffice

Dept 14
14

Approved By
AMY DRAPER
AMY DRAPER

Date Approved
7/29/2008 02:22:24 PM
7/29/2008 02:22:26 PM



ALN 8/1/08

FUND TRANSFER FORM

Department Name: T.N.R. Department Number: 49

Is this request related to a separate agenda item other than Budget Amendments and Transfers? If yes, please check the appropriate blank below and attach copies of the agenda request and all supporting documentation submitted to the County Judge's Office.

- Contract Pending
Personnel Amendment
Other, Please Specify:

ALL AMOUNTS MUST BE IN WHOLE DOLLARS

Table with columns: Item #, Account Number (Fund, Dept/Div, Act, Ele/Obj), Project Number, Object Title, Reduction Amount, Type, and PBO Approval Analyst/Manager. Contains 5 line items for fund transfers.

Item #'s:

- Types of Requests: Transfer - TR, Amendment - AM, Discussion - DS, Automatic - AU

JUSTIFICATION: Needs rebudgeting to meet commodity code requirements
Other, please specify: x

FY 2008 3rd Qtr park revenue & interest transfer totaling \$526,012.50 from the LCRA Escrow Fund to the County's General Fund. This submission is in accordance with CC approval of May 17, 1999 considering and approving such quarterly transfers under agenda "Budget Transfers and Amendments".

Handwritten signature and date: 8/10/08

Signature of Elected/Appointed Official: Cynthia G. McDonald

Date: 07/25/08

Please refer to budget rules for instructions on filling out Budget Adjustment Form

Rev 12/93

PLANNING & BUDGET OFFICE TRAVIS COUNTY

08 JUL 28 AM 9:42

RECEIVED

FUND TRANSFER FORM

Department Name: T.N.R. Department Number: 49

Is this request related to a separate agenda item other than Budget Amendments and Transfers?
 If yes, please check the appropriate blank below and attach copies of the agenda request and all supporting documentation submitted to the County Judge's Office.

- Contract Pending
- Personnel Amendment
- Other, Please Specify:

ALL AMOUNTS MUST BE IN WHOLE DOLLARS

Item #	Account Number				Project Number	Object Title	Reduction Amount	For PBO Use Only:	
	Fund	Dept/Div.	Act.	Ele/Obj.				Type	PBO Approval Analyst/Manager
6	FROM: 737	- 0000	- 255	- 3106	WPS003	LCRA Escrow Pace Bend	\$190,820.11	FT	<i>[Signature]</i>
	TO: 001	- 4945	- 339	- 2010		Park Fees			
7	FROM: 737	- 0000	- 255	- 3107	WPN013	LCRA Escrow Sandy Creek	\$13,414.06	FT	<i>[Signature]</i>
	TO: 001	- 4945	- 339	- 2010		Park Fees			
8	FROM: 737	- 0000	- 256	- 4000	N/A	LCRA Escrow Interest	\$2,438.66	FT	<i>[Signature]</i>
	TO: 001	- 4945	- 339	- 2010		Park Fees			
9	FROM: _____	- _____	- _____	- _____					
	TO: _____	- _____	- _____	- _____					
10	FROM: _____	- _____	- _____	- _____					
	TO: _____	- _____	- _____	- _____					

Item #'s: _____
 JUSTIFICATION: _____
 Needs rebudgeting to meet commodity code requirements
 Other, please specify:

Types of Requests
 Transfer - TR
 Amendment - AM
 Discussion - DS
 Automatic - AU

[Signature] 8/11/08

Signature on page 1

 Signature of Elected/Appointed Official

 Date

**Transportation & Natural Resources
LCRA/Travis County Parks
30-Jun-08**

FY 2008-3rd Qtr. Transfer to General Fund & CIP

LCRA Park Revenue Accounts		3rd Qtr Revenues 4/1/2008 through 6/30/2008	Less: Pending FY 08 LCRA Admin. Fee 3rd Qtr	Less: Pending 3rd Qtr Trsfr. to the CIP Fund 029	Amount to Transfer to General Fund Account No. 001-4945-339-2010
Account Number	Park				
737-0000-255-3101	Arkansas Bend	14,379.00	<i>Estimated</i> (174.85)	(2,156.85)	12,047.30
737-0000-255-3102	Bob Wentz	71,659.00	(818.93)	(10,748.85)	60,091.22
737-0000-255-3103	Cypress Creek	32,864.00	(427.74)	(4,929.60)	27,506.66
737-0000-255-3104	Hippie Hollow	140,871.00	(1,702.05)	(21,130.65)	118,038.30
737-0000-255-3105	Mansfield Dam	121,320.00	(1,465.81)	(18,198.00)	101,656.19
737-0000-255-3106	Pace Bend	227,808.00	(2,816.69)	(34,171.20)	190,820.11
737-0000-255-3107	Sandy Creek	15,997.50	(183.81)	(2,399.63)	13,414.06
	Total:	624,898.50	(7,589.88)	(93,734.78)	523,573.84
737-0000-256-4000	Interest	2,438.66	-	-	2,438.66
	Total:	627,337.16	(\$7,589.88)	(\$93,734.78)	\$526,012.50

Amount	Dept Transferred Into	Date	Explanation
\$4,254,933			Beginning Balance
(\$9,414)	Facilities	10/2/07	Lease Contracts, Drug Court and Parking
(\$350,000)	TNR	10/10/07	Eastside Service Center
(\$20,000)	Records Management	10/16/07	Partial Use of Secure Shredding Earmark
(\$10,000)	Records Management	10/16/07	Partial Use of Internet Live Streaming Earmark
(\$32,879)	Constable Pct. 2	11/6/07	IT & Office Equipment & Furniture
(\$5,400)	Medical Examiner	11/8/07	Parking Leases
(\$36,000)	County Attorney	11/13/07	Legal Services - Hamilton Pool
(\$35,000)	Facilities	11/27/07	Earnest money for Building Purchase
(\$160,000)	TNR	11/30/07	Park Rangers Mobile Data Computers
(\$19,900)	EMS	12/11/07	Line Item Correction
(\$1,796)	Constable Pct. 1	1/15/08	POPS Promotion
(\$25,000)	TNR	2/12/08	Envision Central Texas
(\$802,500)	Facilities	2/19/08	Purchase Bldg 5335 Airport Blvd.
(\$5,520)	PBO	3/11/08	Executive Manager Recruitment
(\$2,000)	Records Management	4/8/08	Partial Use of Internet Live Streaming Earmark
(\$34,620)	General Admin	4/15/08	Travis Central Appraisal Dist. 3rd Qtr. Fees
(\$74,452)	PBO	4/22/08	Establ Temp Slot, Exec Mgr. PBO Succession
\$802,500	Facilities	5/12/08	Reimbursement 910 Rusk Bldg Purchase
(\$5,000)	Medical Examiner	5/13/08	Medical Examiners Accreditation Expense
(\$46,000)	Facilities	5/27/08	CJC 3rd Floor Moves
(\$110,000)	Emergency Services	6/10/08	Fuel STAR Flight
(\$450,000)	TNR	6/10/08	Centralized Fuel
(\$12,000)	County Attorney	7/15/08	Outside Counsel
(\$24,999)	TNR	7/22/08	Technical Correction to Interlocal Agreement
\$2,784,953	Current Balance		

Possible Future Expenses Against Allocated Reserve Previously Identified:

Amount	Explanation
(\$23,050)	Cadaver Transport Increase
(\$8,000)	Accreditation & Equipment Expenses
(\$15,000)	Secure Shredding
(\$23,000)	Channel 17 Webstream
(\$20,000)	Hazmat contracted disposal services
(\$30,000)	ISM Software Licenses for phone
(\$75,000)	Indigent Attorney Fees
(\$250,000)	Indigent Attorney Fees
(\$40,000)	Offsite Storage
(\$182,875)	County Court at Law #8
(\$112,000)	CSCD Day Treatment Center Lease
(\$100,000)	Civil Courthouse Planning/Programming
(\$500,000)	Capital Murder Case Costs
(\$250,000)	Additional Indigent Attorney Fees (markup)
(\$80,000)	FACTS Data Mgmt
(\$100,000)	Inmate Psychiatric Services
(\$1,808,925)	Total Possible Future Expenses (Earmarks)

\$976,028 Remaining Allocated Reserve Balance After Possible Future Expenditures

Last updated by **Capital Acquisition Resources Account Reserve Status (001-9800-981-9891)**

Amount	Dept Transferred Into	Date	Explanation
\$4,206,937			Beginning Balance
(\$1,942,798)	ITS	10/2/07	Tiburon Ver. 7 Upgrade
(\$4,519)	Constable Pct. 2	11/6/07	IT & Office Equipment & Furniture
\$230,840	TNR	11/13/07	HMAC Project funded from existing CO's
(\$9,900)	Facilities	11/27/07	Remodeling @ 5501 Airport Blvd.
\$26,500	TNR	11/27/07	Vehicle not needed
(\$250,000)	TNR	11/30/07	Blake-Manor Rd Hike & Bike
\$19,900	EMS	12/11/07	Line Item Correction
(\$33,057)	Tax	12/18/07	Remittance Processing Device (RPD) replacement
(\$40,530)	Facilities	1/15/08	Post Road - Elevator Emergency Repairs
(\$87,166)	Facilities	2/12/08	Gault/CJC Complex Chiller Emergency Repair
(\$2,000,000)	Facilities	2/19/08	Purchase Bldg 5335 Airport Blvd
(\$1,106)	Constable Pct. 3	4/8/08	Technical Correction
(\$38,660)	Facilities	4/15/08	Security Fencing @ 5335 Airport Blvd.
\$1,140,298	ITS	4/9/08	Reimbursement Resolution-Tiburon Ver. 7
(\$10,078)	Facilities	5/13/08	Security Fencing @ 5335 Airport Blvd.
(\$190,619)	TNR	5/16/08	Replacement Vehicles
(\$27,000)	Tax	5/27/08	FACTS Software Upgrade
(\$550,000)	Facilities	5/27/08	Pct. 2 Office Building
(\$275,000)	Facilities	6/10/08	ITS Disaster Recovery Center
(\$25,000)	Facilities	6/24/08	Eastside Service Center Security Items
(\$84,375)	Criminal Courts	6/24/08	County Court at Law #8 Sound System
\$54,667	Current Reserve Balance		

Possible Future Expenses Against CAR Identified During the FY07 Budget Process:

Amount	Explanation
(\$53,000)	TNR - Failing Vehicles Contingency
(\$12,000)	Constable Pct. 2 - Vehicle Furnishings
(\$13,620)	District Clerk - Records Tracking - Printers
(\$78,620)	Total Possible Future Expenses (Earmarks)

(\$23,953) Remaining CAR Balance After Possible Future Expenditures

Compensation Reserve Status (001-9800-981-9803)

Amount	Dept Transferred Into	Date	Explanation
\$83,430			Beginning Balance - Green Circles
\$83,430 Current Reserve Balance			

Jail Overcrowding Reserve Status (001-9800-981-9813)

Amount	Dept Transferred Into	Date	Explanation
\$453,040 (\$103,400)	Sheriff	11/27/07	Beginning Balance Out-of-County Inmate Housing
\$349,640 Current Reserve Balance			

Juvenile Justice TYC (001-9800-981-9829)

Amount	Dept Transferred Into	Date	Explanation
\$750,000			Beginning Balance
\$750,000 Current Reserve Balance			

Psychiatric Services Sheriff Status (001-9800-981-9835)

Amount	Dept Transferred Into	Date	Explanation
\$100,000 (\$100,000)	Sheriff	1/29/08	Beginning Balance Inmate Psychiatric Services
\$0 Current Reserve Balance			

Annualization Reserve Status (001-9800-981-9890)

Amount	Dept Transferred Into	Date	Explanation
\$653,176			Beginning Balance
\$653,176 Current Reserve Balance			

Unallocated Reserve Status (001-9800-981-9898)

Amount	Dept Transferred Into	Date	Explanation
\$40,355,884			Beginning Balance
(\$2,325,000)	Facilities	10/2/07	Property at 910 Lavaca
(\$3,483,000)	Facilities	12/4/07	Reimbursement Resolution for Eastside Serv Ctr, CJC/Gault and SMART Treatment Fac.
\$673,000	Facilities	4/2/08	Reversal of Reimbursement Resolu.
\$2,325,000	Facilities	4/21/08	Reimbursement Resolution for property at 910 Lavaca
\$1,810,000	Facilities	5/28/08	Reimbursement Resolution for CJC 3rd Floor Renovations
\$1,000,000	Facilities	6/9/08	Reimbursement Resolution for , CJC/Gault
\$40,355,884	Current Reserve Balance		

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TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Please consider the following item for:
8-5-08

I. A. Request made by: Planning & Budget Office

Review and approve requests regarding grant proposals, applications, contracts, and permissions to continue, and take other appropriate actions:

a) Approve grant contract with the Texas Department of Family and Protective Services for Title IV-E Legal services contract in the District Attorney's Office

Approved by:

Signature of Commissioner(s) or County Judge

- II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (Original and eight copies of agenda request and backup).
- B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request. Send a copy of this Agenda Request and backup to them:

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- _____ Additional funding for any department or for any purpose
- _____ Transfer of existing funds within or between any line item budget
- _____ Grant

Human Resources Department (854-9165)

- _____ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (854-9700)

- _____ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- _____ Contract, Agreement, Policy & Procedure

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COUNTY CLERK'S OFFICE
08 JUL 29 PM 3:09

TRAVIS COUNTY

8/5/2008

GRANT APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE
 FY 2008

*The following list represents those actions required by the Commissioners Court for departments to apply for, accept, or continue to operate grant programs.
 This regular agenda item contains this summary sheet, as well as backup material that is attached for clarification.*

Dept	Grant Title	Grant Period	Grant Amount	County Match	Indirect Costs	FTEs	Notes	Page #
Contracts								
a	23 Title IV-E	9/1/08-9/30/09	\$1,572,446.00	\$0	0	1		10

Notes:

- 1 PBO recommends approval.
- 2 PBO does not recommend approval
- 3 Please see PBO recommendation for more information

FY 2008 Grants Summary Report
Outstanding Grant Applications

The following is a list of grants for which application has been made and notification of award has not yet been received.

Dept	Name of Grant	Grant Amount	County Match	Local Funds (Donation)	FTEs	Cm. Ct. Approval Date
24	Formula Grant - Indigent Defense Grants Program	\$ 424,700				10/2/2007
49	Hazard Mitigation Grant for DR-1709	\$588,307	\$196,102			11/6/2007
58	Emergency Food and Shelter program (EFSP) Phase 26	\$ 104,342				12/11/2007
59	Emergency Management Performance Grant	\$ 60,215	\$ 60,215			12/21/2007
49	CAPCOG FY08 Solid Waste Enforcement	\$ 31,356				1/2/2008
45	Juvenile Accountability Block Grant (JABG)- Discretionary Funds Drug Court/In-Home Family Services Grant	\$ 177,686	\$ 19,743		0.25	1/29/2008
45	Juvenile Accountability Block Grant (JABG)- Local Funds-Juvenile Assessment Center Grant	\$ 80,889	\$ 8,988		1.5	1/29/2008
45	Victims of Crime Act (VOCA)	\$ 24,906	\$ 6,227		0.5	1/29/2008
40	Supervised Visitation and Safe Exchange Grant	\$ 133,333				2/12/2008
19	Underage Drinking Prevention Program	\$ 177,976	\$ 107,282		3	2/12/2008
23	Project Safe Neighborhoods	\$ 2,500				2/12/2008
24	Drug Diversion Court	\$ 188,474			1	2/19/2008
19	Family Violence Accelerated Prosecution	\$ 90,000	\$48,462		2	2/26/2008
37	TXDOT Selective Traffic Enforcement Program - FY 2009 STEP Wave	\$ 19,997	\$3,816			3/4/2008

2

49	Commuter Solutions Innovative Grant - Rideshare Incentives				\$4,500		3/4/2008
49	Commuter Solutions Innovative Grant - Rideshare Website Portal				\$4,500		3/4/2008
45	Juvenile Justice and Delinquency Prevention (JJDP)-Intensive In-Home Family Services Grant	\$	28,000				3/11/2008
45	Juvenile Drug Court Grant	\$	400,000			3	3/11/2008
58	Parenting in Recovery Project	\$	489,937	\$91,203		1	3/25/2008
47	2007 Law Enforcement Terrorism Planning Program Grant	\$	106,905				3/25/2008
49	Milton Reimers Ranch Park - TPWD Urban Outdoor Recreation Grant	\$	1,000,000	\$950,000			4/1/2008
45	Access and Visitation	\$	27,527	\$2,770			4/1/2008
47	Emergency Management Performance Grant	\$	60,215	\$60,215			4/1/2008
55	Travis County Mental Health Public Defenders Office	\$	375,000	\$250,000		8	4/8/2008
37	SCATIF - Sheriff's Combined Auto Theft Task Force	\$	655,094	\$315,608		12	4/15/2008
45	USDA School Commodities Program	\$	11,665				4/15/2008
58	AmeriCorps	\$	230,020	\$230,886		15	4/15/2008
20	Help America Vote Act Making Polling Places Accessible	\$	7,500				4/15/2008
20	Help America Vote Act Provide the Same Opportunity for Access and Participation to Individuals with Disabilities	\$	2,000				4/15/2008
20	Help America Vote Act Grant Texas Election Administration Management "TEAM" Compatibility Grant Award Agreement	\$	15,000				4/15/2008

37	State Criminal Alien Assistance Program - SCAAP 08	\$ 49,894,309				4/29/2008
45	Mental Health Court Expansion- Collaborative Opportunities for Positive Experiences (COPE)	\$ 200,000	\$50,434	1.5		4/29/2008
49	TCEQ LIRAP Local Initiative Projects	\$ 373,217	\$373,217			5/6/2008
58	2008 Phase XXVI Emergency Food and Shelter Program #08104	\$ 101,533				5/6/2008
58	SVCI (Seniors and Volunteers for Childhood Immunization)			\$4,000	0.25	5/6/2008
58	RSVP	\$ 61,281		0.5		5/6/2008
45	Residential Substance Abuse Treatment	\$ 109,356	\$36,452	2		5/13/2008
22	Office of Parental Representation	\$ 150,000	\$53,446	3		5/13/2008
22	Office of Child Representation	\$ 150,000	\$53,446	3		5/13/2008
37	Target - Law Enforcement Grant			\$2,000		6/10/2008
49	Del Valle Composting Grant FY09 Regional Solid Waste Grants Program	\$ 28,653				6/10/2008
55	Offender Workforce Development Specialist Training Program	\$ 25,000				6/17/2008
17	A Cultural Resources Survey of Rural Properties in Northeast Travis County	\$ 5,000	\$5,000			6/17/2008
45	Strengthening Youth Mentoring Through Community Partnerships	\$500,000		1		6/17/2008
37	COPS FY 2008 Technology Program - Firing Range Phase II	\$350,738				6/24/2008
23	Project Safe Neighborhoods	\$117,582		1		7/1/2008
37	2008 Byrne Justice Assistance Grant (JAG)					
58	RSVP	\$70,002				7/1/2008
22	Drug Court Program	\$23,800	\$23,800			7/8/2008
		\$84,420	\$0	1		7/22/2008
Total Outstanding		\$ 57,758,435	\$ 2,947,312	\$65,000	54.25	

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FY 2008 Grants Approved by Commissioners Court

The following is a list of grants that have been received by Travis County since October 1, 2007

Dept	Name of Grant	Grant Amount	County Match	Local Funds (Donation)	Indirect Costs	FTEs	Approval Date	Cm. Ct.
58	AmeriCorps	\$ 230,020	\$223,358			16	10/2/2007	
37	2007 Byrne Justice Assistance Grant (JAG)	\$ 203,846					10/9/2007	
55	Travis County Mental Health Public Defenders Office	\$ 500,000	\$125,000			8	10/16/2007	
49	FY 07 HCP Land Acquisition Assistance	\$ 5,742,500	\$1,914,167				10/16/2007	
19	Family Violence Accelerated Prosecution Program	\$ 90,837	\$63,260			2	11/13/2007	
23	Project Safe Neighborhoods	\$ 95,000				1	11/13/2007	
24	Drug Diversion Court	\$ 160,041				1	11/13/2007	
45	Juvenile Assessment Center [Juvenile Accountability Block Grant (JABG)-Local Funds]	\$ 80,943	\$8,994			1	11/20/2007	
45	Drug Court/In-Home Family Services Grant [Juvenile Accountability Block Grant (JABG)-Discretionary Funds]	\$ 117,500	\$13,056				11/20/2007	
45	Juvenile Justice and Delinquency Prevention (JJDP)-Intensive In-Home Family Services Grant	\$ 41,818					11/20/2007	
22	Drug Court (State) Program	\$ 100,000				1	11/20/2007	
37	2007 State Criminal Alien Assistance Program (SCAAP)	\$1,224,221					12/4/2007	
58	DOE Weatherization Assistance Program Amendment 1	\$145,942					12/11/2007	
58	LIHEAP Weatherization Assistance program	\$201,192			\$ 14,837		1/2/2008	
24	Formula Grant-Indigent Defense Grants Program	\$427,700					1/15/2008	
45	Residential Substance Abuse Treatment	\$109,356	\$36,452			2	1/29/2008	
58	Parenting in Recovery Project	\$500,000	\$88,000			1	1/29/2008	
45	Court Order Parent Education Project (COPE)	\$41,800				0.5	2/19/2008	
45	Access and Visitation	\$56,958	\$5,696					

49	Travis Co. East Metropolitan Park, TPWD Project #50 00338-Amendment	\$500,000	\$500,000	\$500,000	2/26/2008
49	Northridge Acres Non-Border Colonia Fund Application Non-Border Colonia Fund, Texas Community Development Program, Office of Rural Community Affairs	\$250,000	\$139,980		3/4/2008
58	SVCI (Seniors and Volunteers for Childhood Immunization)	\$8,424		0.25	4/8/2008
17	Manor Historic Resources Survey	\$6,000	\$3,000	\$1,000	4/8/2008
45	National School Lunch Program/School Breakfast Program	\$240,000			4/15/2008
45	Global Youth Services Day Mini Grant	\$400			4/15/2008
58	Retired and Seniors Volunteer Program (RSVP)	\$23,800	\$23,800		4/22/2008
45	USDA School Commodities Program	\$11,665			5/20/2008
12	SAVNS Statewide Automated Victim Notification Service	\$25,817			5/20/2008

FY 2008 Grants Summary Report Amended Grant Applications

Dept	Name of Grant	Original Grant Amount	Amendment Amount	Total Revised	Total FTEs Associated	Cm. Ct. Approval Date
* 58	2007 Comprehensive Energy Assistance Program (CEAP)	\$ 1,145,321	\$17,672			10/2/2007
23	Project Safe Neighborhoods (Grant Number 07-02148)	\$ 74,251	\$20,000		1	2/5/2008
49	TCEQ LIRAP Grant Contract Amendment 3		\$ 2,088,021			5/6/2008
Total Outstanding		\$ 1,219,572	\$ 2,125,693	\$ -	1.00	

* Original Grant Column shows Beginning FY'08 Amount

FY 2008 Grants Summary Report

Permission to Continue

Dept	Name of Grant	Original		Continuation		Total FTEs	Cm. Ct.	
		Grant Amount	County Match	Amount	Total		Original Approval Date	Continuation Date for
24	Drug Diversion Court			\$160,041		1	FY 2002	10/9/2007
24	Drug Diversion Court			\$160,041		1	FY 2002	10/30/2007
55	Travis County Mental Health Public Defenders Office			\$ 88,748		8	10/16/2007	10/30/2007
19	Underage Drinking Prevention Program	\$ 171,443	\$ 107,282	\$ 278,726		3	9/4/2007	1/15/2008
22	Drug Court (State) Program	\$ 187,470				2		2/19/2008

45	Juvenile Accountability Block Grant (JABG)-Local Funds-Juvenile Assessment Center Grant	\$	80,943	\$	8,994		1	6/24/2008
58	Americorps	\$	-	\$	0	\$	461,706	16
Total Outstanding		\$	439,856	\$	116,276	\$	1,149,262	32.00
								7/22/2008

GRANT SUMMARY SHEET

Check One:	Application Approval: <input type="checkbox"/>	Contract Approval: <input checked="" type="checkbox"/>	Status Report: <input type="checkbox"/>
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Department/Division:	District Attorney's Office
Contact Person:	Vicki Skinner
Title:	Director of Administration
Phone Number:	854-9522

Grant Title:	Title IV-E Legal Administration		
Grant Period:	From: 9/1/2008	To: 9/30/2009	
Grantor:	Texas Department of Family and Protective Services		

Check One:	New: <input type="checkbox"/>	Continuation: <input checked="" type="checkbox"/>	Amendment: <input type="checkbox"/>
Check One:	One-Time Award: <input type="checkbox"/>	Ongoing Award: <input checked="" type="checkbox"/>	
Type of Payment:	Advance: <input type="checkbox"/>	Reimbursement: <input checked="" type="checkbox"/>	

Grant Categories/ Funding Source	Federal Funds	State Funds	Local Funds	County Match	In-Kind	TOTAL
Personnel:	1,206,899					1,206,899
Operating:	82,135					82,135
Capital Equipment:						0
Indirect Costs:	283,412					283,412
Total*:	1,572,446	0	0	0	0	1,572,446
FTEs:						0.00

*This is an estimate of the allowable costs that may be submitted for PARTIAL reimbursement. The maximum estimated reimbursement total is \$316,901. The Travis County Title IV-E caseload percentage factor in the reimbursement formula changes each quarter. Federal funds are apportioned to the State for disbursement.

Performance Measures	Actual		Actual		Actual		Proj.	Proj.
	FY05	FY06	FY07	FY08	FY08	FY09	FY09	
Applicable Departmental Measures								
# petitions filed	394	413	320	300	300	300	300	
# hearings held	2,852	2,985	3,207	3,055	3,100	3,100	3,100	
# requests for discovery	*	47	98	88	100	100	100	
Measures For Grant								
NA								

* new measure FY06

Auditor's Office Contract Approval: <input checked="" type="checkbox"/>	Staff Initials:
Auditor's Office Comments:	

PBO Recommendation

This is the FY09 grant contract for Title IV-E program that partially reimburses the District Attorney's Office for cases filed on behalf of the Dept. of Family and Protective Services. The contract has been reviewed and approved by the County Attorney's Office and Auditor's Office.

PBO recommends approval of this contract.

1. Brief Narrative - Summary of Grant: What is the goal of the program? How does the grant fit into the current activities of the department? Is the grant starting a new program, or is it enhancing an existing program?

Travis County's contract with the Texas Department of Family and Protective Services allows Travis County to bill for some of the costs incurred by the District Attorney's Office in handling foster care cases. The Title IV-E program provides for partial reimbursement of certain legal costs associated with these judicial determinations.

The attached Allocation Plan and Budget is an estimate of salaries, fringe benefits, direct costs and indirect costs that may be submitted for partial reimbursement during the State's FY 09.

Reimbursement formula = (cost allocated salaries and fringe benefits + supplies + other direct costs + indirect costs) x Travis County's Title IV-E caseload percentage x .50

Training reimbursement Formula = Seminar registration costs + travel, meals and lodging costs x .75

2. Departmental Resource Commitment: What are the long term County funding requirements of the grant?

The District Attorney's Office files civil suits involving the parent-child relationship on behalf of the Texas Department of Family and Protective Services. This responsibility is mandated by the Texas Family Code 264.009. If Title IV-E funds were not available for partial reimbursement of expenses, the responsibility would still remain.

3. County Commitment to the Grant: Is a county match required? If so, how does the department propose to fund the grant match? Please explain.

This request is for partial reimbursement of costs for an on-going program that was in operation before partial federal reimbursement was available. Travis County has received Title IV-E federal financial participation since FY 96.

4. Does the grant program have an indirect cost allocation, in accordance with the grant rules? If not, please explain why not.

Yes.

5. County Commitment to the Program Upon Discontinuation of Grant by Grantor: Will the program discontinue upon discontinuance of the grant funding? (Yes/No) If No: What is the proposed funding mechanism: (1) Request additional funding (2) Use departmental resources. If

(2) is answered, provide details about what internal resources are to be provided and what other programs will be discontinued as a result.

The District Attorney's Office files civil suits involving the parent-child relationship on behalf of the Texas Department of Family and Protective Services. This responsibility is mandated by the Texas Family Code 264.009.

6. If this is a new program, please provide information why the County should expand into this area.

N/A

7. Please explain how this program will affect your current operations. Please tie the performance measures for this program back to the critical performance measures for your department or office.

This program allows Travis County to receive partial reimbursement for a mandated responsibility.



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER
Carey D. Cockerell

June 26, 2008

Stephen Marquez
Travis County
P.O. Box 1748
Austin, Texas 76767-1748

RE: New Legal Contract # 23394141

Dear Mr. Marquez:

Enclosed you will find (3) three copies of your contract with the Texas Department of Family and Protective Services (DFPS or Department) and one copy of the forms needed. It is important that you review the documents thoroughly.

Please complete all documents. The County Judge must sign all forms that require a signature.

Upon receipt of the contract documents, the authorized DFPS person will sign, and we will return an original contract to you for your contract file. **All contract documents need to be returned to me no later than August 15, 2008.** This will ensure that your contract will be processed by August 31, 2008.

If you have any questions regarding the proper completion of the enclosed documents contact me at (512) 834-3431.

Contract Letter
Page 2

Return the documents to me at the following address:

DFPS
Charlah Love, Mail Code 016-5
Contract Manager
14000 Summit Dr., Ste. 100
Austin, Texas 78728

Respectfully,



Charlah Love
Contract Manager

Enclosures: Contract Form 2282CLIVE, Internal Control Structure Questionnaire Form 9007, Certification Regarding Federal Lobbying Form 2047e, Risk Analysis Questionnaire Form 9105 and Budget Form 2030

State of Texas Title IV-E County Legal Services Contract

Contract #23394141

THIS INTERLOCAL COOPERATION CONTRACT (Contract) is entered into by and between the Texas Department of Family and Protective Services (DFPS or the Department) and Travis County (County), pursuant to the authority granted and in compliance with the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

SECTION I. STATEMENT OF SERVICES TO BE PERFORMED

A. Statement of Need

DFPS is the single state agency responsible for the administration of Title IV-E of the Social Security Act related to Child Welfare Services and the Federal Payments for Foster Care and Adoption Assistance.

In accordance with Government Code Section 40.0566, County Outreach Program, DFPS and the County desire to enter into this Contract to provide a mechanism to allow counties providing Title IV-E allowable services the opportunity to obtain federal funding. DFPS will make IV-E funds available to counties to increase the amount of legal staff and services available to process child welfare cases. "Legal services" are activities performed by attorneys, paralegals, investigators, and clerical or other legal support staff on behalf of the county, in accordance with professional legal judgment, pertaining to children who have been abused or neglected or placed in out-of-home care or children at risk of placement in out-of-home care, including pursuing terminations of parental rights and otherwise assisting children in achieving permanence. Under this Contract, allowable services include the following as described herein and as qualified in 5000 Section of the Texas Department of Family and Protective Services Title IV-E Finance Handbook (Handbook), as currently in effect and as subsequently modified. The Handbook is incorporated herein by this reference:

1. Costs directly related to the administration of the foster care program are deemed allowable if they are necessary and reasonable, incurred while providing proper and efficient services to Title IV-E eligible children, and are in accordance with OMB A-87, 45 CFR §95.507, and 45 CFR §1356.60(c).
2. Training Expenditures for Title IV-E training costs associated with attending or participating in IV-E approved training.

B. Statement of Work

1. County's Responsibilities:

- a. The County will assist the Department in providing fair, adequate and expeditious judicial determinations regarding children eligible for services under Subtitle IV-E of the Social Security Act. Such services will be in accordance with the attached Cost Allocation Plan and with Subtitle IV-E of the Social Security Act. The County shall ensure the provision of allowable Title IV-E Services to children referred by DFPS in accordance with the Handbook;
- b. The County shall comply with the following requirements:
 - (i) Assist DFPS in identifying and meeting the needs of the children in the County who are referred by DFPS;
 - (ii) Develop an estimated annual budget for the operations of child welfare services and recommend an estimated budget to the Commissioners' Court and appear in support of same at budget hearings;
 - (iii) Authorize the expenditure of County funds and other special funds on behalf of the children in the County referred by DFPS and;
 - (iv) Review on a monthly basis child welfare expenditures and receipts, as well as a summary of services delivered during the month.

**State of Texas Title IV-E County Legal Services
Contract**

- c. The County shall provide the money required as match for federal funds under this Contract. In addition, the County shall ensure that none of the money used as match will be federal dollars, either directly or indirectly. Furthermore, the County certifies that the money used as match has not been used to secure any other federal matching funds.
- d. The County will certify that the expenditures reported to DFPS on the 4116X, State of Texas Voucher (Billings) are allowable expenditures under Title IV-E. The County shall be financially liable to DFPS for any and all audit exceptions identified for unallowable costs reported to DFPS in the County's Billings.
- e. The County shall participate in DFPS' financial and statistical reporting systems.
- f. Health and Safety
- (i) To the extent permitted by law, the County will verify and disclose, or cause its employees and volunteers (including Child Welfare Board Members) to verify and disclose criminal history and any current criminal indictment involving an offense against the person, an offense against the family, or an offense involving public indecency under the Texas Penal Code as amended, or an offense under Chapter 281 of the Texas Health and Safety Code. This verification and disclosure will be required of child welfare board members and of all who have direct contact with children referred by DFPS;
- (ii) The County shall prevent or promptly remove any employee or volunteer (including Child Welfare Board members) from direct child contact and/or from access to child records who is alleged to have committed an offense of abuse, neglect, or exploitation or an offense described in subsection (i), above; and
- (iii) The County shall promptly report any suspected case of abuse, neglect, or exploitation to DFPS as required by Chapter 261, Texas Family Code. All reports must be made within 24 hours of the discovery of the abuse or neglect. The County may report this information to DFPS' Statewide Intake at 1-800-252-5400.
- g. Confidentiality
- (i) All information obtained, learned, developed, or filed by the County in connection with the Services provided under this Contract, including data contained in official Department files or records, shall be held confidential by the County in accordance with applicable Federal and State laws, rules, and regulations. The County shall not disclose confidential information to any person, organization, agency, or other entity except as authorized or required by law. The County shall immediately notify the Department of all requests for information deemed confidential under this Contract. In the event the County is required by law to release confidential information, the County shall notify the Department in writing, prior to releasing confidential information.
- (ii) Nothing in this Section shall be deemed to preclude, prevent, or prohibit access to confidential information by the Department or Department designees.
- (iii) The provisions of this Section shall remain in full force and effect following termination of, or cessation of the Services required by this Contract.
- h. The County shall adhere to all the legal, programmatic, and administrative requirements identified in Section 2000 of the Handbook related to the Services to be provided under this Contract.
- i. The County shall maintain financial, programmatic, and supporting documents developed under this Contract for a minimum of five years after the termination of the contract period. Contract period

**State of Texas Title IV-E County Legal Services
Contract**

means the effective dates of the Contract as described in Section III, below; renewals are considered to be separate contract periods.

- j. The County shall submit Service delivery reports required by DFPS or self-evaluations of performance and other reports requested by DFPS in an appropriate format and on a timely basis; and to the extent permitted or required by law, make available at reasonable times and for reasonable periods, children's records and other programmatic or financial records, books, reports, and supporting documents for reviewing and copying by DFPS, the U.S. Department of Health and Human Services, or their authorized representatives.
- k. The County shall allow DFPS and its representatives to monitor, audit, evaluate and otherwise review the Services provided under the Contract. In addition, the County will ensure that DFPS has access to all documentation and information related to the Services provided under this Contract.
- l. The County shall not use any funding received under this Contract to influence the outcome of elections or the passage or defeat of any legislative measures.
- m. Contractor agrees to comply with state and federal anti-discrimination laws, including without limitation:
 - (i) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*);
 - (ii) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794);
 - (iii) Americans with Disabilities Act of 1990 (42 U.S.C. §12101 *et seq.*);
 - (iv) Age Discrimination Act of 1975 (42 U.S.C. §§6101-6107);
 - (v) Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681-1688);
 - (vi) Food Stamp Act of 1977 (7 U.S.C. §200 *et seq.*); and
 - (vii) The HHS agency's administrative rules, as set forth in the Texas Administrative Code, to the extent applicable to this Agreement.
 - 1) Contractor agrees to comply with all amendments to the above-referenced laws, and all requirements imposed by the regulations issued pursuant to these laws. These laws provide in part that no persons in the United States may, on the grounds of race, color, national origin, sex, age, disability, political beliefs, or religion, be excluded from participation in or denied any aid, care, service or other benefits provided by Federal or State funding, or otherwise be subjected to discrimination.
 - 2) Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and its implementing regulations at 45 C.F.R. Part 80 or 7 C.F.R. Part 15, prohibiting a contractor from adopting and implementing policies and procedures that exclude or have the effect of excluding or limiting the participation of clients in its programs, benefits, or activities on the basis of national origin. Applicable state and federal civil rights laws require contractors to provide alternative methods for ensuring access to services for applicants and recipients who cannot express themselves fluently in English. Contractor agrees to ensure that its policies do not have the effect of excluding or limiting the participation of persons in its programs, benefits, and activities on the basis of national origin. Contractor also agrees to take reasonable steps to provide services and information, both orally and in writing, in appropriate languages other than English, in order to ensure that persons with limited English proficiency are effectively informed and can have meaningful access to programs, benefits, and activities.
 - 3) Contractor agrees to comply with Executive Order 13279, and its implementing regulations at 45 C.F.R. Part 87 or 7 C.F.R. Part 16. These provide in part that any organization that participates in programs funded by direct financial assistance from the United States Department of Agriculture or the United States Department of Health and Human Services shall not, in providing services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

State of Texas Title IV-E County Legal Services Contract

- 4) Upon request, Contractor will provide HHSC Civil Rights Office with copies of all of the Contractor's civil rights policies and procedures.
- 5) Contractor must notify HHSC's Civil Rights Office of any civil rights complaints received relating to its performance under this Agreement. This notice must be delivered no more than ten (10) calendar days after receipt of a complaint. Notice provided pursuant to this section must be directed to:

HHSC Civil Rights Office
 701 W. 51st Street, Mail Code W206
 Austin, Texas 78751
 Phone Toll Free (888) 388-6332
 Phone: (512) 438-4313
 TTY Toll Free: (877) 432-7232
 Fax: (512) 438-5885

- n. Contractor agrees to comply with the Fair Labor Standards Act (FLSA) (29 U.S.C. §201 *et seq.*) regarding minimum wages, overtime pay, recordkeeping, and child labor.
2. DFPS' Responsibilities:
- a. DFPS shall provide the County with the child population rate each quarter; and
 - b. DFPS shall process and pay the federally reimbursable portion of County-certified IV-E allowable expenditures identified on the 4116X, State of Texas Purchase Voucher in accordance with the terms of this Contract.

SECTION II. BASIS FOR CALCULATING PAYMENT OBLIGATIONS

A. Budget Documents:

- 1. The amount of the Title IV-E federally reimbursable portion of this Contract is based on the Budget Documents attached hereto as Exhibit "II" entitled Budget for Title IV-E County Contracts, Form 2030IVE, which includes Attachments "A", "B", and "C" (Budget Documents). Exhibit "II" and its corresponding attachments are incorporated herein by this reference.
- 2. The Budget Documents should be amended for each fiscal year with the written agreement of the contract manager for DFPS. If the Contract is automatically renewed, and if the parties have not agreed to amended Budget Documents, the Budget Documents are also renewed without amendment but may be later amended by agreement of the County and DFPS.
- 3. If the County is going to include indirect costs as part of its Billings, the Contract will include by reference either (a) the County's approved Indirect Cost Agreement with the Federal Government; or (b) appropriate documentation certifying the County's official indirect cost rate.

B. This Contract is at all times contingent upon the availability and receipt of federal funds.

C. Billing Requirements:

- 1. The County shall submit Billings in an accurate and timely manner for each quarter by the end of the following quarter. Billings must be submitted with all documentation necessary to support the expenditures contained in the Billings.
- 2. DFPS will notify the County within 30 days of Billings that are inadequately documented, appear to be unallowable in whole or in part, or are not in accordance with the Budget Documents for the Contract.
- 3. If the quarterly Billings for the County average or are expected to average less than \$1,000 per quarter, the County may request, and the contract manager for DFPS may grant written permission to submit

State of Texas Title IV-E County Legal Services Contract

Billings on an annual basis with the Billing for each quarter submitted and documented separately but at the same time before the end of the first quarter of the following fiscal year.

- 4. Any Billing or amended Billing which is submitted to DFPS later than 7 quarters after the end of the quarter of the expense shall not be processed by DFPS unless DFPS determines, in DFPS' sole discretion, that DFPS is able to submit the bill to the federal government for payment in a proper and timely fashion.

SECTION III. TERM OF CONTRACT

This Contract shall be in force effective September 1, 2008 through September 30, 2009. This Contract shall automatically renew for one fiscal year at a time through September 30, 2012, unless sooner terminated as described herein.

SECTION IV. INCORPORATION BY REFERENCE. The following instruments are incorporated into the contract for all purposes and are on file with the Department, the Contractor, and subcontractor(s):

- A. Cost Allocation Plan and supporting narrative
- B. Designation of authorized signatory for the Contractor
- C. Form 2047e, Certification Regarding Federal Lobbying
- D. Copy of approved Indirect Cost Agreement
- E. Other forms, as needed: 9007 CIVE

SECTION V. MODIFICATIONS

- A. This Contract contains the entire understanding of the parties and supersedes all previous discussions, proposals, or agreements between DFPS and the County.
- B. This Contract may be modified by executing a formal written amendment signed by both DFPS and the County.

SECTION VI. TERMINATION

- A. If the County fails to provide services according to the terms of this Contract, DFPS may, upon written notice of default to the County, terminate all or any part of the Contract. Termination is not necessarily an exclusive remedy but will be in addition to any other rights and remedies provided under this Contract.
- B. DFPS, based on information from monitoring or other verifiable sources, may terminate this Contract for cause or take other actions including, but not limited to:
 - 1. Requiring the County to take specific corrective actions in order to remain in compliance with any contractual term,
 - 2. Recouping payments made to the County or imposing administrative error sanctions based on audit findings of violations of Contract requirements, and
 - 3. Suspending, placing into abeyance, or removing any contractual rights to include, but which are not limited to, withholding of payment.

State of Texas Title IV-E County Legal Services Contract

C. This Contract may be terminated at any time by mutual consent. In addition, either party may consider the Contract to be canceled by giving thirty (30) days notice to the other party. This Contract will be terminated at the end of the thirty (30) day period. This Contract shall otherwise terminate by the date specified pursuant to Section III, above.

SECTION VII. CERTIFICATIONS

By executing this Contract, the undersigned parties bind themselves to the faithful performance of this Contract and certify their authority to enter into this Contract.

**Texas Department of Family
and Protective Services**

Travis County

Signature
Printed Name: Shelia Brown
Printed Title: Regional Director

Signature
Printed Name: Samuel T. Biscoe
Printed Title: County Judge

Date

Date

Certification Regarding Federal Lobbying
(Certification for Contracts, Grants, Loans, and Cooperative Agreements)

PREAMBLE

Federal legislation, Section 319 of Public Law 101-121 generally prohibits entities from using federally appropriated funds to lobby the executive or legislative branches of the federal government. Section 319 specifically requires disclosure of certain lobbying activities. A federal government-wide rule, "New Restrictions on Lobbying," published in the Federal Register, February 26, 1990, requires certification and disclosure in specific instances and defines terms:

Covered Awards and Subawards - Contracts, grants, and cooperative agreements over the \$100,000 threshold need (1) certifications, and (2) disclosures, if required. (See certification term number 2 concerning disclosure.)

Lobbying - To lobby means "to influence or attempt to influence an officer or employee of any agency (federal), a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any of the following covered federal actions:

- the awarding of any federal contract,
- the making of any federal grant,
- the making of any federal loan,
- the entering into of any cooperative agreement, and
- the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement."

Limited Use of Appropriated Funds Not Prohibited - The prohibition on using appropriated funds does not apply to activities by one's own employees with respect to:

- liaison activities with federal agencies and Congress not directly related to a covered federal action;
- providing any information specifically requested by a federal agency or Congress;
- discussion and/or demonstration of products or services if not related to a specific solicitation for a covered action; or
- professional and technical services in preparing, submitting or negotiating any bid, proposal or application for a federal contract, grant loan or cooperative agreement or for meeting legal requirements conditional to receipt of any federal contract, grant, loan or cooperative agreement. (The prohibition also does not apply to such services provided by nonemployees for the same purposes.)

Professional and Technical Services - Professional and technical services shall be advice and analysis directly applying any professional or technical expertise. Note that the professional and technical services exemption is specifically limited to the merits of the matter.

Other Allowable Activities - The prohibition on use of federally appropriated funds does not apply to influencing activities not in connection with a specific covered federal action. These activities include those related to legislation and regulations for a program versus a specific covered federal action.

Funds Other Than Federal Appropriations - There is no federal restriction on the use of nonfederal funds to lobby the federal government for contracts, grants, and cooperative agreements.

Applicability of Other State and Federal Requirements - Neither the government-wide rule nor the law affect either (1) the applicability of cost principles in OMB circulars A-87 and A-122, or (2) riders to the Texas State Appropriations Acts which disallow use of state funds for lobbying.

TERMS OF CERTIFICATION

This certification applies only to the instant federal action for which the certification is being obtained and is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any

Certification Regarding Federal Lobbying
(Certification for Contracts, Grants, Loans, and Cooperative Agreements)

federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- 2. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federally funded contract, subcontract, subgrant, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (If needed, contact your Texas Department of Family and Protective Services procurement officer or contract manager to obtain a copy of Standard Form-LLL.)
- 3. The undersigned shall require that the language of this certification be included in the award documents for all covered subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all covered subrecipients shall certify and disclose accordingly.

Do you have or do you anticipate having covered subawards under this transaction? Yes No

Travis County
Name of Contractor/Potential Contractor

17460001922
Vendor ID No. or Social Security No.

23394141
DFPS Contract No.

Signature- Authorized Representative

Date

Samuel T. Biscoe
Name of Authorized Representative

Travis County Judge
Title

Budget for Title IV-E County Contract

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Summary		Amount	Total
County: Travis			
Contract No.: 23394141			
Contract Period: 9/1/2008 - 9/30/2009			
Code Category		Amount	Total
A. Administration			
A.1. Direct Personnel Salaries		\$908,966.24	
A.2. Direct Personnel Fringe Benefits		\$297,932.71	
A.3. Direct Personnel Travel		\$1,000.00	
A.4. Direct Material & Supplies		\$5,000.00	
A.5. Direct Equipment (Rent/Lease/Purchase)		\$0.00	
A.6. Direct Other Costs		\$68,350.00	
Indirect Costs		\$283,412.27	
Total Administration			\$1,564,661.22
Total Training			\$7,785.45
Total Supplemental Foster Care Maintenance			\$0.00
Grand Total (Includes Administration, Training and Maintenance)			\$1,572,446.67

Contractor Certification

Signature & Date

Samuel T. Biscoe Travis County Judge
Printed Name & Title

Budget for Title IV-E County Contract

Administration	
A.2 - Direct Personnel Fringe Benefits	
Type of Fringe Benefits	Total
County: Travis	
Contract No.: 23394141	
Contract Period: 9/1/2008 - 9/30/2009	
FICA - OASDI	\$57,683.99
Workers Compensation	\$2,863.19
Retirement	\$99,644.43
FICA - Medicare	\$13,490.61
TICLEOSE Certification Pay	\$1,950.00
County Longevity Pay	\$6,630.39
Health Insurance	\$114,478.00
Life Insurance	\$1,192.10
Total Direct Personnel Fringe Benefits	\$297,932.71

Budget for Title IV-E County Contract

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Administration A.4. Direct Material and Supplies	
County: Travis	
Contract No.: 23394141	
Contract Period: 9/1/2008 - 9/30/2009	
Materials and Supplies (Quantity and Price of each)	Total
Office Supplies - consumable items	\$5,000.00
Total Direct Materials and Supplies	
\$5,000.00	

Budget for Title IV-E County Contract

Administration		
A.S. Direct Equipment		
County: Travis		
Contract No.: 23394141		
Contract Period: 9/1/2008 - 9/30/2009		
Equipment (describe and basis of cost)	Method Used (rental/own)	Total
none		\$0.00
Total Direct Equipment		\$0.00

Budget for Title IV-E County Contract

Administration A. Direct Other	
County: Travis	
Contract No.: 23394141	
Contract Period: 9/1/2008 - 9/30/2009	
Other Costs (description and basis of cost)	Total
Court Reporter	\$275.00
Expert Witness	\$3,000.00
Witness Travel	\$5,000.00
Interpreter	\$20,000.00
Citation Fees	\$28,000.00
Court Costs/Copy Costs	\$300.00
Transcripts	\$6,000.00
Professional Dues/Licenses	\$1,000.00
Notary Fees	\$75.00
Publications	\$3,500.00
Pager Service	\$200.00
Investigation Resources	\$1,000.00
Total Direct Other Costs	\$68,350.00

Budget for Title IV-E County Contract

B Training

County: Travis

Contract No.: 23394141

Contract Period: 9/1/2008 - 9/30/2009

Training	How Provided	IV-E Payment Info	Publication	Mileage	Meals	Transportation	Room	Subtotal	# of Employees	Total
Crimes Against Children Conference - Dallas, TX (Aug 2009 4-day conference)	external	The Crimes Against Children Conference provides practical instruction, using current information, the newest ideas and most successful intervention strategies, to those professionals responsible for combating the many forms of crimes against children.		388.2 round trip (mileage Austin to Dallas)	\$230.00	\$227.09 (using \$.585 per mile)	\$600.00 (based on 4 nts. at \$150/night)	\$1,557.09	5	\$7,785.45
		The conference is conducted for the sole purpose of providing training to only those people employed by governmental agencies or nonprofit agencies in the fields of law enforcement, prosecution, child protective services, social work, children's advocacy, therapy, and medicine who work directly with child victims of crime.								
Total Training										\$7,785.45

Attachment A: Administration

Direct Personnel Salaries

Include staff performing functions directly related to the Title IV-E contract. Do not include staff already included in an approved indirect cost rate. Attach a narrative explaining the methodology used to determine personnel salaries allocations. *Attach a Cost Allocation Plan to support allocation of*

See the "Legal Services Instructions" and "CW Services Instructions" tabs for further information.

Example: Two attorneys have been assigned full time (100 %) to CPS related cases. These are salaried employees, not required to maintain time cards.

Example: One Administrative Secretary has been assigned as the division secretary. Percentage charged to IV-E is based as follows: The County Attorney has 4 full time attorneys and one Admin. Secretary. There are two CPS Attorneys, representing 50 % of the total attorney staff. Therefore, 50% of the Admin. Secretary's workload is related to the CPS Attorneys and 50% of her time is being

Example: There is one Supervising Attorney for the County. This Supervisor also carries cases. Based on time sheets maintained on a monthly basis, the Supervising Attorney devotes 20% of his time on the supervision of the two CPS Attorneys. Time Sheets (logs) are maintained on a monthly

*For monitoring purposes timesheets and payroll data must be kept on file. See the "Sample" tab for samples of a time sheet and activity report.

**Costs not allowable if already being paid by other sources.

Direct Personnel Fringe Benefits

Fringe benefits are allocated per employee based on the percent of time attributed to the IV-E Program. Only those benefits normally paid or provided to all county employees are included.

Direct Personnel Travel

Include mileage and other in-area travel expenses normally paid or reimbursed to county personnel Do not include travel for training, seminars, conferences, etc.

Travel can be reimbursed ONLY at the current rate allowed as per Texas Comptroller of Public

*For monitoring purposes receipts and other detailed records must be kept on file.

**Costs not allowable if already being paid by other sources.

Direct Material & Supplies

Include only material & supplies that are utilized solely for Title IV-E functions or by IV-E personnel Do not include material & supplies that are included in an approved indirect cost rate or cost pool.

*For monitoring purposes receipts and other detailed records must be kept on file.

**Costs not allowable if already being paid by other sources.

Direct Equipment (Rent/Lease/Purchase)

Include equipment that is utilized for Title IV-E functions or by IV-E personnel If equipment is shared with other county functions or programs, attach a narrative explaining the methodology used to determine usage.

*For monitoring purposes receipts and other detailed records must be kept on file.

**All equipment must be tagged and numbered.

**Costs not allowable if already being paid by other sources.

Direct Other

*For monitoring purposes receipts and other detailed records must be kept on file.

**Costs not allowable if already being paid by other sources.

Indirect Costs

If indirect costs are being claimed, attach a copy of the approved Indirect Cost Agreement.

Allowable Administrative Expense (This is not an all-inclusive list)

Salary/Benefits
Birth Certificates*
Bookkeeping
Citations**
Documentation
Equipment
Film, Etc.
Overhead (A proportionate share of related agency overhead)
Postage
Publications
Recruitment of foster homes; public/community awareness expenses related to recruitment
(*Note: Appreciation receptions are not reimbursable)
Audio Visual
Subpoena**
Supplies (may include Lifebooks)
Travel
Indirect Cost

Allowable Administrative or Indirect expenses may include expenses incurred performing the following services:

Referral services
Preparation for judicial determination (limited to prep of reports to the court and participation in court proceedings by County personnel)
Placement of a child
Development of the case plan
Case reviews
Case management and supervision
Proportionate share of related County overhead

Adequate documentation to support expenditures must be maintained and made available to the

Attachment B: Training

For training to be claimable under the IV-E training program, the topic of the training must be one of the activities cited at 45 CFR 1356.60(c)(1) and (2) as allowable administrative activities under the IV-E program or at the least closely related to one of the activities. **In general, the training topics must be related to the placement of children in out-of-home care.**

The specific activities cited are as follows:

Catagories Costs of Short-Term Training for personnel employed by the county.
Costs of providing Short-Term Training to current or prospective foster and adoptive parents.
Mileage, Meals, Transportation and Lodging

Topics Eligibility determination and re-determination
Fair hearings and appeals
Rate setting
Referral to services
Preparation for and participation in judicial determinations
Placement of the child
Development of the case plan
Case reviews
Case management and supervision
Recruitment and licensing of foster homes and institutions

Training reimbursed with Title IV-E funds must be focused on enhancing knowledge and building skills necessary to perform functions directly related to the benefits offered by the IV-E program to improve outcomes for children placed in out-of-home care.

Travel and per diem expenses cannot be reimbursed above the current travel and per diem rates established by the State of Texas.

Adequate documentation to support expenditures must be maintained and made available to TDPRS

See the "Legal Services Instructions" and "CW Services Instructions" tabs for further information.

*For monitoring purposes receipts and other detailed records must be kept on file.

**Costs not allowable if already being paid by other sources.

Attachment C: Foster Care Maintenance

Allowable Supplemental Foster Care Maintenance Claims (Title IV-E Eligible Children – Child Specific)

Allowances

Clothing

Day Care

Gifts

Graduation gifts

Personal Items

School Supplies

Reasonable Travel

Note:

This is not an all-inclusive list of allowable foster care maintenance expenses. The county may elect to add items to this list with the prior approval of the Regional Contact Manager.

Expenditures must be directly related to a Title IV-E eligible foster child.

Adequate documentation to support expenditures must be maintained and made available to the Department upon request.

See the "CW Services Instructions" tab for further information.

*For monitoring purposes receipts and other detailed records must be kept on file.

**Costs not allowable if already being paid by other sources.

**TRAVIS COUNTY DISTRICT ATTORNEY'S OFFICE
FY 09 COST ALLOCATION PLAN NARRATIVE**

SALARIES

All employees included in the cost allocation plan are assigned full-time to the Civil Unit of the Family Justice Division. The workload of the Civil Unit consists entirely of Child and Protective Services (CPS) cases. The Civil Unit includes five Assistant District Attorneys, one Sr. Paralegal, two Paralegals, three Legal Secretaries, one Investigator and two part-time Law Clerks. Because 100% of their work time is devoted to CPS cases, 100% of their Travis County salaries is included in the cost allocation plan.

FRINGE BENEFITS

Only those benefits normally paid or provided to all Travis County employees in the same job classifications are included in the plan. 100% of the fringe benefits associated with the employees listed above is included.

TRAVEL

The amount requested in Travel is for mileage charges incurred by Civil Unit staff while driving between the home office and the Texas Department of Family and Protective Services office where some Civil Unit employees work daily.

DIRECT MATERIAL AND SUPPLIES

The amount included for consumable office supplies is based on projected expenditures for FY09. The consumable office supplies included in the cost allocation plan are only used in the support of the Family Justice Division Civil Unit.

DIRECT OTHER COSTS

The total amount for other direct costs is based on the Civil Unit's projected expenditures for FY09. Included in this category are expenditures for court reporters, expert witnesses and their travel costs, interpreters, citation fees, investigative costs, transcripts and other operating expenses necessary for CPS case preparation and presentation.

TRAINING

The total training costs are based on all Civil Unit attorneys attending the annual Crimes Against Children Conference in Dallas.

INDIRECT COSTS

The Travis County Commissioners Court adopted an indirect cost plan prepared in accordance with OMB Circular A-88. A copy of the plan was submitted to Texas Department of Family and Protective Services in August 2002; however, Travis County's cognizant federal agency (Department of Health and Human Services) has not required submission of the plan for review and approval. The latest revision to the plan was the FY08 plan approved by the Travis County Commissioners Court on July 31, 2007. The FY09 plan has not been approved by the Court so the rate used in this request will be the FY08 rate of 22.12%. Travis County's indirect rate cost allocation plan is on file in the Auditor's Office and is available for review.

CERTIFICATE OF COST ALLOCATION PLAN

This is to certify that I have reviewed the cost allocation plan submitted herewith and to the best of my knowledge and belief:

(1) All costs included in this proposal dated August 12, 2008 to establish cost allocations or billings for 9/01/08 – 9/30/09 are allowable in accordance with the requirements of OMB Circular A-87, "Cost Principles for State and Local Governments," and the Federal award(s) to which they apply. Unallowable costs have been adjusted for in allocating costs as indicated in the cost allocation plan.

(2) All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the awards to which they are allocated in accordance with applicable requirements. Furthermore, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently. I declare that the foregoing is true and correct.

Government Unit: Travis County

Signature _____

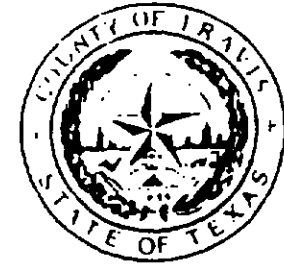
Name of Official Samuel T. Biscoe

Title County Judge

Date of Execution _____

APPENDIX A

Copy of Approved Indirect Cost Agreement




PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

114 W. 11th Street
P.O. Box 1743
Austin, Texas 78767

BACK-UP FOR JULY 31, 2007 AGENDA

July 20, 2007

TO: Members of Commissioners Court

FROM: Randy Lott, Planning and Budget Analyst 

RE: Approval of Indirect Cost Rates for FY 08.

Maximus provides an annual indirect cost rate plan for Travis County. This plan provides the basis for Travis County to be reimbursed for grant-related indirect cost expenses such as the costs of facilities, utilities, technology services and administrative support. When receiving grant funds, certain granting agencies allow indirect costs to be reimbursed, as long as they are calculated in accordance with Federal Regulations (OMB Circular A-87).

Indirect costs are calculated each year, and we have now received the new indirect cost rates for actual expenses to be applied to grants in FY 2008. A summary of the rates is attached for your review and approval. The very detailed calculations that are used to derive these rates comprise a document that is 185 pages and about an inch thick. The document itself is not attached, but is available to you in PBO if you wish to review these calculations.

The fee for Maximus to develop these indirect rates is \$18,000 annually, and this cost is more than recovered through increased revenue. According to the Auditor's Office, in FY 06, the Travis County General Fund received \$162,909 in certified revenue from indirect costs. So far, in FY 07, the County General Fund has received \$88,702. The cost allocation plan also allows the County to claim additional Title IV-E funds through Juvenile Probation's indirect cost recovery program. This generated \$2,089,238 in certified revenue for FY 06 and \$1,122,014 as of the end of the second quarter of FY 07. The \$18,000 cost for the study is budgeted annually in the General Administration budget and is included as part of the FY 08 Preliminary Budget.

PBO recommends approval of the proposed indirect cost rates for FY 08.

CC: Christian Smith
Leroy Nellis
Travis Gatlin
Susan Spataro
DeDe Bell

MAXIMUS

HELPING GOVERNMENT SERVE THE PEOPLE

June 14, 2007

Mr. Christian Smith
Executive Manager
Planning and Budget Office
Travis County
P.O. Box 1748
Austin, Texas 78767

Dear Mr. Smith:

MAXIMUS, Inc. has completed the Travis County FY 2005 Central Services Indirect Cost Rate Plan. MAXIMUS has prepared the Plan in accordance with U.S. Office of Management and Budget Circular A-87 (OMB A-87) which defines allowable expenditures for federally funded programs. Data and expenditures incurred during the fiscal year ended September 30, 2005 have been utilized to develop the Plan. Enclosed is a bound copy and I will send via email, a complete pdf file of the plan including covers, narratives, etc. As soon as you approve the plan I will send additional bound copies with any changes made. Also, I will use the approved numbers for the Juvenile Plan and forward the appropriate documents to Gloria Esparza.

I have also enclosed an additional copy of the certificate to be signed and returned for our files upon your approval of the plan. You may return the certificate to:

MAXIMUS
Attn: Sherra Montz
13601 Preston Road, Suite 201E
Dallas, TX 75240

If you have any questions concerning the Plan and/or utilization of the indirect rates, please email or call me at 504-482-7280. I appreciated this opportunity to be of assistance to Travis County, and I look forward to working with you again.

Sincerely,



Sherra Montz
Manager

Enclosures

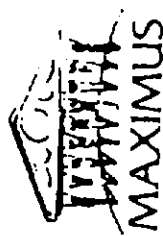
IV. Indirect Cost Rates

Below is the list of indirect cost rates for each department or office to be used for applying for grants.

Approved by Commissioners Court on July 31, 2007

Dpt #	Department Name	Calculated Rate
01	County Judge	190.66%
02	Commissioner - Precinct 1	40.94%
03	Commissioner - Precinct 2	40.32%
04	Commissioner - Precinct 3	52.08%
05	Commissioner - Precinct 4	32.58%
08	Tax Assessor-Collector	71.13%
13	Exposition Center	0%
16	Veterans Service Office	69.20%
18	Agricultural Extension Service	61.66%
19	County Attorney	46.08%
20	County Clerk	49.32%
21	District Clerk	44.72%
22	Civil Courts	39.35%
23	District Attorney	22.12%
24	Criminal Courts	46.46%
25	Probate Court	27.74%
26	Justice of Peace – Precinct 1	37.02%
27	Justice of Peace – Precinct 2	21.82%
28	Justice of Peace – Precinct 3	23.89%
29	Justice of Peace – Precinct 4	28.04%
30	Justice of Peace – Precinct 5	41.81%
31	Constable - Precinct 1	38.41%
32	Constable - Precinct 2	35.86%
33	Constable - Precinct 3	26.50%
34	Constable - Precinct 4	29.94%
35	Constable - Precinct 5	36.24%
37	Sheriff	18.53%
38	Medical Examiner	55.17%
39	Community Supervision & Corrections	19.91%
40	Counseling and Educational Services	22.59%
42	Pretrial Services	40.50%
43	Juvenile Public Defender	24.90%
45	Juvenile Court	21.87%
47	Emergency Services	88.61%
49	Transportation and Natural Resources	50.36%
54	Civil Service Commission	23.89%
55	Criminal Justice Planning	54.06%
58	Health and Human Services	45.48%
	Composite Travis County Rate	29.68%

TRAVIS COUNTY, TEXAS



TRAVIS COUNTY, TEXAS CERTIFICATE OF INDIRECT COSTS

This is to certify that I have reviewed the cost rate proposal submitted herewith and to the best of my knowledge and belief:

- (1) All costs included in this proposal to establish billing or final indirect costs rates for the period October 1, 2005 through September 30, 2005 are allowable in accordance with the requirements of the Federal award(s) to which they apply and OMB circular A-87, "Cost Principles for State and Local Governments". Unallowable costs have been adjusted for in allocating costs as indicated in the cost allocation plan.
- (2) All Costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or casual relationship between the expenses incurred and the agreements to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently and the Federal Government will be notified of any accounting changes that would affect the predetermined rate.

I declare that the foregoing is true and correct.

Travis County, Texas

Signature: *William R. Smith*

Name of Official: *Chris Tucker Smith*

Title: *State Finance Manager, Accounting & Budget*

Date of Execution: *7/3/07*

1301 Young Street
Room 732
Dallas, Texas 75202
(214)-787-3261
(214)-787-3264 FAX

June 6, 2000

Ms. Linda S. Bishop
Chief Assistant County Auditor
Travis County Auditor's Office
Travis County Administration Building
P.O. Box 1748
Austin, Texas 78767

Dear Ms. Bishop:

We have received your letter of May 22, 2000, concerning the need to submit an cost allocation plan for Travis County to our office for review and approval. We will not review your plan.

Office of Management and Budget Circular A-87 Cost Principles for State, Local and Indian Tribal Governments (A-87) in Attachment C, Section D. 3. requires that a local government, not designated as a "major local government", claiming central service costs must develop a plan in accordance with the requirements of the Circular and maintain the plan and related supporting documentation for audit. Such a government is not required to submit its plan for Federal approval unless it is specifically requested to do so by the cognizant Federal agency.

To date my office has not required you to submit your plan for review. Due to workload priorities, we do not review plans of local government. You should continue to prepare and retain cost allocation plans as required by A-87. We will contact you, if we need to review your plan in the future.

If you have any questions, please call Terry Hill at (214)-767-3263.

Sincerely,

A handwritten signature in black ink, appearing to read "Merle M. Schmidt".

Merle M. Schmidt
Director,
Division of Cost Allocation

Contract Name: Travis County – Legal
 Contract Number: 23394141 FY 2009

Please provide the person's name and number to contact if additional information is needed: Vicki Skinner 854-9522

1. Do you currently have other client service contracts with DFPS or any other Governmental entity [federal, state (ISD, University) county]?

Yes No

If yes, provide the contract number and indicate which of the following payment types is utilized for the contract:

Cost Reimbursement	Contractor is reimbursed for allowable costs.
Fee For Service	Contractor is paid a set fee per unit of service. Typically rates are negotiated with the individual vendor and may apply only to that vendor. An independent rate setting process does not exist for the contracted service.
Rate Based Payments	Contractor is paid at a pre-determined rate or fee per unit of service, which was established through a rate setting process. The rate setting process typically applies to multiple contractors who provide the service.
Other	Any other payment type not defined above.

Contract Number	Payment Type
1. 08-06067	Cost Reimbursement
Project Safe Neighborhoods Program	
<i>(Office of the Attorney General)</i>	
2. no number	Cost Reimbursement
Interlocal Agreement for Organized Crime Attorney	
<i>(City of Austin)</i>	

Contract Number	Payment Type
3. no number	Cost Reimbursement
Interlocal Agreement for Downtown Business District Attorney	
<i>(City of Austin)</i>	
4. 08-01993	Cost Reimbursement
Victim Coordinator Liaison Grant	
<i>(Office of the Attorney General)</i>	

RAI Factor #3

2. Check the appropriate time period since your last audit (e.g., annual audit, compliance audit, single audit) was completed by an independent auditor, including other state/federal agency.

Less than 1 year 1 year 2 years 3 or more years OR No Audit completed

RAI Factor #16

3. Type of Related Party Transactions: "Doing business" refers to business activities such as purchasing (e.g., a building, a computer, a vehicle, etc.), leasing (e.g., a building, a computer, a vehicle, etc.), and/or obtaining a service (e.g., legal services, accounting services, banking services, etc.), even if the purchase/lease/service is provided at no charge from anyone related by blood or marriage to a member of your Board of Directors; a principal stockholder; or a key employee. See 40 TAC § 732.240 (g).

Does your agency do business with any of the above-mentioned parties for the following?

- Non-compensated services Yes No
- Non-routine and non-recurring services Yes No
- Consulting or Management services Yes No
- Building/Leasing Yes No
- Transportation Yes No
- Labor Yes No
- For-profit affiliated with non-profit Yes No
- Owned/operated by same or related entity Yes No

RAI Factor #10

4. The percentage of total expenditures paid out to Subcontractors in a fiscal year.

- 0% 20% or less 21% to 40% More than 40%

RAI Factor #8

5. Experience of key management staff: Note: Fiscal components refer to the financial aspect of the contract. Programmatic components refer to the program side of the contract, such as monitoring that services are provided to clients, monitoring the quality of the service delivery, ensuring compliance to the service provisions in the contract (Section VIII).

Executive Director, President or Equivalent	<input type="checkbox"/>	Less than 2 years with fiscal <u>or</u> programmatic components of federal and/or state contracted programs	<input checked="" type="checkbox"/>	At least 2 years with fiscal <u>or</u> programmatic components of federal and/or state contracted programs	<input type="checkbox"/>	At least 2 years with fiscal <u>and</u> programmatic components of federal and/or state contracted programs
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Accounting (Comptroller, Chief Financial Officer, Business Mgr, etc.)	<input type="checkbox"/>	Less than 2 years with fiscal <u>or</u> programmatic components of federal and/or state contracted programs	<input checked="" type="checkbox"/>	At least 2 years with fiscal <u>or</u> programmatic components of federal and/or state contracted programs	<input type="checkbox"/>	At least 2 years with fiscal <u>and</u> programmatic components of federal and/or state contracted programs
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Program Director, Program Coordinator or Equivalent	<input type="checkbox"/>	Less than 2 years with fiscal <u>or</u> programmatic components of federal and/or state contracted programs	<input checked="" type="checkbox"/>	At least 2 years with fiscal <u>or</u> programmatic components of federal and/or state contracted programs	<input type="checkbox"/>	At least 2 years with fiscal <u>and</u> programmatic components of federal and/or state contracted programs
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RAI Factor #6

6. Total Contractor Experience

Check the appropriate box below your total contractor experience (including experience with non-DFPS agencies) providing the type of service being contracted.

- 0 to 12 months 13 to 35 months 36 to 59 months 60 or more months

RAI Factor #7

7. Check the appropriate box below if there has been any significant change in direct delivery and billing staff in the appropriate periods:

No significant change in last 2 years

Significant change in direct delivery and billing staff within: Last 2 years Last 12 months

During the past two years, support staff members have been added and there have been attorney law clerk personnel changes.

RAI Factor #7

**Internal Control Structure Questionnaire (ICSQ)
for Title IV-E County ≥ \$25,000**

Contractor Name: Travis County (Legal) **DFPS Contract #:** 23394141
Current Contract Period: 9/1/08-9/30/09 **Contract Manager:** Charlah Love

Please refer to instructions at end of this questionnaire.

SECTION I: FINANCIAL POSITION
(This section should be answered about your organization as a whole.)

1.	Please describe the accounting system in place (i.e., accrual, cash, or modified accrual). Modified Accrual & Accrual	
2.	Do you complete yearly financial statements (e.g., Balance Sheet, Income Statement, Other)? <i>If yes, please list the name of the person responsible for preparing the annual financial statements below and attach copy of your most "current" statements and mark it ATTACHMENT #I-2.</i> Person responsible for annual financial statements. Kimberly Walton – Chief Assistant County Auditor <i>If no, please provide any manual or automated information maintained regarding your "current" financial position (i.e., assets versus liabilities) and mark it ATTACHMENT #I-2.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3.	Are your accounting and financial system operations "audited" at regular intervals by an independent auditor (CPA, State Public Accountant, and Office of State Auditor)? Note that this is not referring to compliance monitoring performed by State Contract Managers. If yes, how often and who audits your records? Yearly Audit – Deloitte & Touch LLP <i>Also, if yes, please provide a copy of your most current "audit" performed of your agency and mark it ATTACHMENT #I-3.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

SECTION II: INTERNAL CONTROLS

II. A. GENERAL/ACCOUNTING CONTROLS
(This section should be answered about your organization as a whole. When a question mentions "contracts," it is referring to all of your contracts with DFPS and with any other state agencies, as well as any other contracts you might have.)

1.	Do you have more than one contract with DFPS? <i>If yes, please attach a list of all of your DFPS contracts, including type of service, contract number, and dollar amount of contract. Mark this list ATTACHMENT #II-1.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.	Do you have contracts with other Texas state agencies (e.g., Texas Youth Commission, Texas Juvenile Probation Commission, Texas Education Agency, etc.)? <i>If yes, please attach a list of all your contracts with other state agencies, including the state agency name, type of service provided under the contract, dollar amount, and name and telephone number of state agency contact person for the contract. Mark this list ATTACHMENT #II-2.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Internal Control Structure Questionnaire (ICSQ)
for Title IV-E County ≥ \$25,000**

3.	<p>Do you maintain contract files for each of your DFPS contracts?</p> <p>If yes, do the contract files contain:</p> <p>a. The approved contract with all attachments?</p> <p>b. Copies of contract amendments?</p> <p>c. Billing documents?</p> <p>d. Related correspondence?</p> <p>e. Copies of subcontracts?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
4.	<p>a. Are all expenditures that are reported and/or billed as DFPS costs reconciled with your general ledger? If no, please provide a written explanation below as to why such expenditures are not reconciled to your general ledger.</p> <hr/> <hr/> <p>b. Is the general ledger kept up-to-date and balanced at least monthly? If not monthly, please specify frequency. _____</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
5.	<p>Do you maintain a separate general ledger account for:</p> <p>a. Deposits for each contract's funds?</p> <p>b. Disbursement of each contract's funds?</p> <p><i>Please provide a copy of your chart of accounts, along with an explanation of how your accounting system identifies contract revenues and expenditures separately for each contract. Mark it ATTACHMENT #II-5.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
6.	<p>Are billings submitted within the time frame specified in the DFPS contract?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
7.	<p>How do you allocate shared costs between contracts and/or programs? Please attach a detailed explanation, and mark it ATTACHMENT #II-7.</p>	
8.	<p>Are costs and expenditures controlled based on budget line items for cost reimbursement and budget-based unit rate contracts?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
9.	<p>Do you authorize separate individuals to:</p> <p>a. Sign checks? Indicate name(s) and title(s). Susan A Spataro, County Auditor, Dana Deabeavoir, County Clerk, Dolores-Ortega Carter, Treasurer</p> <p>b. Approve purchase orders and vouchers? Indicate name(s) and title(s). Department Heads, Elected Officials & Purchasing Agents.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

Internal Control Structure Questionnaire (ICSQ) for Title IV-E County ≥ \$25,000

	<p>c. Prepare checks? Indicate name(s) and title(s).</p> <p style="padding-left: 40px;">Staff in the Disbursement Section – One of three Financial Analysts.</p> <p>d. Record accounting transactions? Indicate name(s) and title(s).</p> <p style="padding-left: 40px;">The Accounts Payable Team.</p> <p>e. Reconcile bank accounts to internal check registers? Indicate name(s) and title(s).</p> <p style="padding-left: 40px;">Sandy Hendrix – Financial Analyst & Sean O’Neal – Senior Financial Analyst</p> <p>f. Maintain an inventory? Indicate name(s) and title(s).</p> <p style="padding-left: 40px;">Purchasing Department</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
10.	<p>Is your accounting system automated? If no, skip to Question #18.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
11.	<p>Who has access to the accounting system? Specify name(s) and title(s) below.</p> <p>All authorized personnel in the Travis County has access to the H.T.E. Automated Accounting System, ranging from Inquiry, to Purchasing, to Data Entry and producing required and necessary reports.</p>	
12.	<p>Please specify the name(s) and title(s) below for the individuals responsible for updating, changing and deleting accounting information:</p> <p>Updating: Jose Palacios – Chief Assistant County Auditor, Mike Crawford – Financial Analyst V, Sean O’Neal – Senior Financial Analyst, Sandy Hendrix, Financial Analyst, Sabrina Bullard, Financial Analyst</p> <p>Changing: Same as Above</p> <p>Deleting: Jose Palacios – Chief Assistant County Auditor, Mike Crawford – Financial Analyst V, Sean O’Neal – Senior Financial Analyst</p>	
13.	<p>How is the accounting system secured and/or protected? Please explain.</p> <p>The accounting system is secured via Passwords, which are changed every 90 days.</p>	
14.	<p>Explain below the process (initiation, review, approval, etc.) for making updates, changes, deletions, and year end adjustments to the accounting system.</p> <p>Associate Auditors & Financial Analysts initiate the AP & Journal Entries, Financial Analysts review and audit, other Financial Analysts update and post those entries.</p>	
15.	<p>Are there controls to provide reasonable assurance that transactions are not lost, duplicated, or added before and after data entry and editing?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
16.	<p>Are there controls to provide reasonable assurance that transactions with errors are rejected from further processing (e.g., prevented from updating the files/database)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

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17.	Is the data entered into the accounting system verified? If yes, please specify whom (name and title) is/are responsible for verifying the data, and how the verification is done. Month End Reports.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
18.	a. Do purchase orders/requisitions require specific approvals from authorized individuals in the requesting department? b. What additional internal controls and approvals are in place within your organization to ensure payments made are valid and authorized? Items are required to be received in H.T.E., automated accounting system, prior to processing the payments.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
19.	Are all checks pre-numbered and accounted for? If no, please explain. _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
20.	Is there any additional review or special approval required for checks exceeding a specific dollar amount? If yes, please specify the dollar limits, name(s) and title(s) of responsible staff below. _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
21.	Are voided checks marked "VOID" to prevent reuse? If no, please explain: _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
22.	Are voided checks kept with canceled checks? If no, please explain: _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
23.	Are unused checks adequately safeguarded and in the custody of a person who does not manually sign checks, control the use of facsimile signature plates or operate the facsimile signature machine? Indicate name and title of person below who has custody of unused checks. _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
24.	If a check -signing machine is used, are the facsimile signature plates properly safeguarded? If no, please explain below. _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
25.	Is the person receiving cash prohibited from signing checks, reconciling bank accounts, and accessing other accounting records? Indicate name and title below of person receiving cash. _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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26.	Is the drafting of checks to "CASH" prohibited? If no, please explain: _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
27.	Is the practice of signing blank checks prohibited? If no, please explain: _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
28.	Are all disbursements approved prior to payment? If no, please explain: _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
29.	Are all disbursements (excluding petty cash) made by check? <i>If no, what other means do you use to make disbursements.</i> ACH Transactions and Wire Transfers. Is a check register (disbursement journal) used to record disbursements and maintain balances? If no, how are disbursements and balances tracked? _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
30.	Are purchase orders/requisitions controlled in such a way that they can all be accounted for (e.g., by sequential pre-numbering, by entry in a register, etc.)? <i>If yes, please attach an explanation and mark it ATTACHMENT #II-30.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
31.	Are supporting documents (invoices, receipts, approvals, receiving reports, canceled checks, etc.) maintained with each disbursement and/or clearly referenced for easy location and retrieval? <i>Please comment on where and how supporting records are kept and filed (e.g., filed by check number, month of payment, etc).</i> _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
32.	Do supporting documents accompany checks for the check signer's signature?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
33.	Are supporting documents marked when paid to prevent reuse or duplication of payment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
34.	Are invoices marked to identify allocation of payment?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
35.	For your DFPS contracts, do you have procedures to identify costs and expenditures not allowable under federal and/or state regulations? <i>If so, please attach an explanation of your system for identifying unallowable costs/expenditures and mark it ATTACHMENT #II-35.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
36.	Are all bank accounts reconciled monthly? If not, how often? _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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II. B. PERSONNEL		
37.	Do you have on file authorizations covering rates of pay, withholding and deductions for each employee? If no, please explain. _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
38.	Do any employees work overtime? <i>If yes, please attach a copy of your overtime policy and mark it ATTACHMENT#II-38.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
39.	Do you have written job descriptions with set salary levels for each employee? If no, please explain. _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
40.	Does your policy require individual daily time and attendance records for personnel (part-time, full-time, and/or in-kind volunteers) delivering services under your DFPS contract(s)? If no, please explain: _____ _____ If yes, do the time and attendance records contain the following: a. Employee's name? b. Position/title? c. Total daily hours worked? d. Daily hours charged directly to each contract? e. Employee's signature and/or supervisor's signature?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
41.	a. Are you current with your payroll taxes? b. Do you pay taxes directly? If no, please explain and indicate name of withholding agent. _____ _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
42.	Do you have written personnel policies? If yes, are they distributed to all employees? Do your personnel policies include: a. Hiring policies? b. Performance evaluations? c. Termination policies? d. Vacation and/or other authorized absences? e. Possible conflict of interest? f. Nepotism policies? g. Related-party policies?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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43.	<p>a. For DFPS cost reimbursement contracts and budget-based unit rate contracts, does the amount of salary being paid to each employee agree with the approved budget?</p> <p>b. If only a portion of any employee's salary is charged to DFPS (i.e., allocated) is that portion supported by an allowable and equitable allocation method? If yes, please explain allocation method(s) used</p> <hr/> <hr/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
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II. C. TRAVEL

44.	<p>Are expenditures for travel substantiated by travel vouchers, travel logs and/or other supporting documentation? If yes, do travel vouchers/logs contain the following information:</p> <p>a. Name of employee?</p> <p>b. Travel destination (to and from)</p> <p>c. Private car mileage? (to and from destination for each trip)</p> <p>d. Date and time of departure and return?</p> <p>e. Purpose of trip?</p> <p>f. Signature of employee?</p> <p>g. Approval of supervisor?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
45.	<p>Are travel expenditures under DFPS contracts billed to DFPS at, or below, rates and limitations established by state travel requirements for meals, lodging and mileage? If no, please explain: _____</p> <hr/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
46.	<p>Is out-of-state travel for DFPS projects approved by the DFPS contract manager?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

II. D. EQUIPMENT

(If your agency as a whole does not purchase equipment with DFPS funds, skip to Section II E, and mark here N/A)

47.	<p>Has equipment been directly purchased with DFPS funds?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
48.	<p>Please specify the level of capitalization used by your organization and provide definition of what your organization classifies as equipment.</p> <p>Dollar Amount: \$5,000.00</p> <p>Definition of Equipment: Fixed & Tangible assets used for the benefit of the county for more than one year from date asset first rendered service.</p> <p>Attachment # 11-48</p>	
49.	<p>Were all of the equipment items purchased and billed to DFPS included in your DFPS budget? If no, please list the equipment below, and include total acquisition cost.</p> <hr/> <hr/>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

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50.	For equipment that was directly purchased and billed to DFPS, but not detailed in the budget, was prior written approval obtained from your DFPS contract manager?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
51.	Are all equipment items, purchased with DFPS funds, tagged for the purpose of internal tracking and inventorying? Note: Since the equipment does not belong to DFPS, contractors are not to tag the equipment as "State of Texas" or "DFPS Property".	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
52.	Do you conduct a physical inventory of capital equipment purchased with federal funds? If yes, how often? _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
53.	Are inventory records maintained to include: the description of the item, the serial number, funding source, the acquisition cost, the acquisition date and the inventory number? <i>Attach a copy of your inventory records for equipment purchases made with DFPS funds and mark it ATTACHMENT #II-53.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
54.	Has any equipment purchased in whole or in part with DFPS funds been disposed of? If yes, was the DFPS contract manager's approval obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
55.	a. Is equipment purchased with DFPS funds being used by employees paid with DFPS funds? If no, please explain: _____ b. Is equipment purchased with DFPS funds being used as outlined in the contract? If no, please explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
II. E. SUBCONTRACTORS		
56.	a. Do you subcontract DFPS contracted services? (If your agency as a whole does not utilize subcontractors, mark N/A and skip to Section II F.) b. If yes, what percentage of the work required by your contract do you estimate will be subcontracted? _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
57.	Do you maintain written contracts with all your subcontractors? If no, please explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
58.	Within your organization, who is responsible for reviewing and approving subcontracts, prior to execution? Provide name(s) and title(s) below. _____ _____	

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59.	Does each subcontract agreement include: a. All parties to the contract? b. Scope of work? c. When services are to be performed? d. Rate of pay? e. Measurable method of payment? f. Termination clause? g. Performance measures?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
60.	Do all your subcontracts for services under your DFPS contract(s) (e.g., direct services to clients) either include the terms required by your DFPS contract or reference the required terms? If no, please explain. <hr/> <hr/> <p><i>Please attach a copy of your subcontract agreement and mark it ATTACHMENT #II-60.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
61.	Do you have procedures in place to monitor that services under your DFPS contract(s) are being delivered and paid by subcontractors as required by your DFPS contract(s)? If yes, please attach a copy of your service monitoring procedures and mark it ATTACHMENT #II-61.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
62.	a. Do you competitively procure your subcontractors? b. If you have any DFPS contracts for \$100,000 or more, do you make a good faith effort to subcontract with Historically Underutilized Businesses (HUBS)? In no or n/a, please explain. <hr/> Please attach an explanation of your subcontractor procurement policies and procedures and mark it ATTACHMENT #II-62.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
63.	Have all subcontracts for services under your DFPS contract (e.g., direct services to clients) been approved by your DFPS contract manager?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>SECTION II.F: TITLE IV-E CHILD WELFARE SERVICES CONTRACT INFORMATION (This section pertains only to any County Title IV-E Child Welfare Services Contracts that the county may have with DFPS. Provide answers only as they relate to that contract. This section does not pertain to any Title IV-E County Legal Services Contract the county may have with DFPS.) For purposes of this section the terms County and County Child Welfare Board are synonymous.</p>		
64.	If administrative costs will be claimed, has the county submitted an administrative budget to DFPS for review and approval?	<input type="checkbox"/> Yes <input type="checkbox"/> No
65.	If any administrative costs claimed under the contract are shared with other contracts (both DFPS and non-DFPS), has the county submitted a cost allocation plan to DFPS for review and approval? If no, please describe your allocation process and mark as ATTACHMENT #II-65.	<input type="checkbox"/> Yes <input type="checkbox"/> No

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66.	Does the County Child Welfare Board have a process that DFPS Caseworkers must follow in order to obtain assistance from the County Child Welfare Board for a Foster Child? a). If yes, is the above policy a written (published) policy? <i>Attach a description of the process or a copy of the written policy and mark as ATTACHMENT #II-66.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
67.	Has/have the county Title IV-E contract(s) been audited by county internal or external auditors? If yes, provide fiscal period and date of audit. _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
68.	Do the Region and the county conduct an annual review of the county Title IV-E contracts? If yes, provide date of last review. _____ Note: An annual review of the contract is specified in the contract.	<input type="checkbox"/> Yes <input type="checkbox"/> No
69.	How does the Child Welfare Board pay for the supplemental child-care expenses? <i>Provide a description of the process and name and/or position of responsible person/staff and mark it as ATTACHMENT #II-69.</i>	
70.	What back-up documentation does the county maintain to support Title IV-E reimbursements? <i>Provide a description of the documentation and mark it as ATTACHMENT #II-70.</i>	
71.	Who maintains the documentation within the county (i.e., Child Welfare Board, County Auditor, Other)? Provide the name of the county Department or name and/or position of responsible person/staff. _____ _____	
72.	Who creates the County Title IV-E Claims Voucher (Quarterly Billing)? Provide the name and/or position of responsible person/staff. _____	
73.	Does the county's bookkeeping process, including the preparation of the Quarterly Billing, exclude involvement by a DFPS staff bookkeeper or accountant? <i>If no, provide a description of the DFPS bookkeeper or accountant's role in the process and mark it ATTACHMENT #II-73.</i> Note: As per DFPS policy, DFPS staff cannot have any bookkeeping function in relation to Title IV-E CWB contracts.	<input type="checkbox"/> Yes <input type="checkbox"/> No
74.	Who, within the county, signs the County Title IV-E Claims Voucher (Form 4116 – State of Texas Purchase Voucher Quarterly Billing)? Provide the name and/or position of the responsible person/staff. _____ _____	

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75.	How does the county insure the County Title IV-E Claims Voucher is reconciled with the county's general ledger? _____ _____ _____	
76.	Does the county have a process to insure that all expenditures claimed are allowable expenditures? <i>If yes, attach a short description of the process and mark it ATTACHMENT #II-76.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
77.	Does the county have a process to insure that all any raised or donated funds used as certified match for the County Title IV-E Claims Voucher are unrestricted funds? <i>If yes, attach a short description of the process and mark it ATTACHMENT #II-77.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
78.	How does the county know which children are IV-E eligible? <i>Provide a description of the process and the name and/or position of responsible person/staff and mark it as ATTACHMENT #II-78.</i>	
79.	If a person other than the County Judge or County Auditor has signature authority, has the county provided DFPS with a document clearly naming the persons authorized to act on behalf of the county on matters concerning the county Title IV-E contract? (i.e., Person authorized to sign vouchers, responsible County Child Welfare Board staff, etc).	<input type="checkbox"/> Yes <input type="checkbox"/> No

CERTIFICATION

Signed by an individual legally responsible for the conduct of the contractor, such as a corporate officer, an association officer, or a government official. The administrator/director is authorized to sign only if he/she holds one of these positions.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, THAT THE INFORMATION REPORTED HEREIN IS TRUE, CORRECT AND COMPLETE.

Signature

Samuel T. Biscoe

Printed/Typed Name

Date

Travis County Judge

Title

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Instructions for Submitting

A current "up-to-date" Internal Control Structure Questionnaire is required to be submitted with each new proposal to contract with the Agency, DFPS. If you have never submitted a previous ICSQ, you will need to complete the attached ICSQ.

However, if you have other contracts/proposals with DFPS, you are only required to submit one ICSQ for those contracts that share or abide by same controls. Therefore, if you have submitted an ICSQ with a different proposal (within the past year), and same control structure applies to this contract, you may submit a "copy" of that ICSQ as long as it is current and applicable to this contract, and covers all sections on this ICSQ. If not all sections covered, you will need to complete the applicable sections on this ICSQ and submit this ICSQ along with the "copy" of the previously submitted ICSQ.

No two-sided copies will be accepted. No pamphlets or books will be accepted. Responses must be typed or printed. Any response that requires an attachment should reference the attachment number in the response and the attachment must be clearly numbered.

Instructions for Completing

Every agency, organization, university, and/or other business entity should have internal controls in place. Internal controls basically ensure that assets (such as cash and equipment) are safeguarded, that expenditure transactions (such as purchases) are authorized, and that financial data are accurately recorded. Another way of saying this is that a system of internal controls assures that assets that belong to the business are received when tendered, are protected while in the custody of the business, and are used only for authorized business purposes.

A system of internal controls is not designed primarily to detect errors but rather to reduce the opportunity for errors or dishonesty to occur. In an effective system of internal controls, no one person should carry out all phases of a business transaction from beginning to end. For example, if one person were permitted to order supplies, receive the supplies, write a check to pay for the supplies, and record the transaction in the accounting records, there would be no protection against either fraud or errors.

Internal controls consist of the policies and procedures that a business develops and implements to minimize risk. To determine if a business has internal controls, numerous questions can be asked regarding the business' processes/procedures for handling cash receipts, cash disbursements, physical inventory, and file maintenance, etc. In addition, the ICSQ has questions that are specific to state and federal regulations/guidelines.

A system of internal controls frequently may be improved by physical safeguards (acting as compensatory controls). Computers help to improve the efficiency and accuracy of record keeping functions. Cash registers, safes, and pre-numbered business forms are very helpful in safeguarding cash and establishing responsibility for it. Any system of internal controls must be supervised with care if it is to function effectively.

The cost of a system of internal controls must be balanced against the benefit to be derived in preventing errors and losses.

The ICSQ has been divided into several sections, covering the below purposes as follows:

SECTION I: FINANCIAL POSITION (This section is self-explanatory.)

SECTION II: INTERNAL CONTROLS

This section mainly addresses Internal Controls as described below:

II. A. GENERAL/ ACCOUNTING CONTROLS

The general section basically addresses file maintenance and the contractor's responsibility to meet contract terms and/or state/federal regulations.

Accounting controls are concerned with the safeguarding of assets (cash and fixed assets) and the reliability of financial records. The objective sought in the control of cash receipts is to assure that all cash that is receivable by the business is collected and recorded without loss. The system of controlling cash payments should be designed to ensure that no unauthorized payments are made. Control is accomplished by division of responsibility to achieve independent verification of cash transactions without duplication of effort.

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Number 3:

An element of a good file maintenance process is a systematic filing approach for the numerous documents that flow through a business. A systematic filing approach decreases the risk of losing documents, having documents that pertain to the same issues placed in several locations, and not knowing what changes have occurred related to similar issues. Therefore, a business should have contract files that include the information enumerated in Number 3.

Number 4:

All costs that are reported and/or billed as DFPS costs should be reconciled with the general ledger (the book or file that contains all or groups of the organization's accounts).

Number 5:

The accounting system used must adequately identify the receipt and expenditures of funds separately for each contract and/or source of funds. Direct costs for each contract must be clearly identified by the accounting system (consider: How are travel expenses recorded when traveling for the DFPS contract?).

Separate general ledger account numbers for revenues and expenses incurred under the contract should be evident.

For example:

400 - 699 Support and Revenue Accounts
401 DFPS revenue - DFPS Guardianship Services
402 DFPS revenue - STAR contract
403 DFPS revenue - DFPS Parenting Training

700 - 999 Expenses
700 - 709 Salaries
700 Salaries - DFPS Guardianship Services
701 Salaries - STAR contract
702 Salaries - DFPS Parenting Training

810 - 819 Supplies
811 Consumable Supplies - DFPS Guardianship Services
812 Consumable Supplies - DFPS Parenting Training
813 Consumable Supplies - Star Contract

Number 7:

Costs should be allocated in accordance with relative benefits or other equitable relationship.

Number 8:

Total expenditures for DFPS contracts must be monitored against the total contract budget (Form 2030). For example there must be a system for monitoring the expenditures for salaries against the contract budget category for salaries.

Numbers 11-17:

These questions should only be answered if the accounting system is automated.

Number 18:

This is good business practice. Authorized individuals for departments should be required to approve purchases made on behalf of their department.

Number 19:

This helps to control disbursements of checks.

Number 31:

If the supporting documents are not maintained with each disbursement, the supporting documents should be numbered, clearly referenced, and filed for easy retrieval. Work papers are necessary to provide documentation during monitoring visits and/or audits.

Numbers 32-33:

These procedures are good business practices and aid in accurate record keeping, since it is easier to remember what happened last month rather than what happened months ago.

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Number 34:

This is extremely important if an invoice is allocated to more than one funding source.

Number 35:

Contractors should know how to access or obtain copies of the Texas Administrative Code (TAC) and applicable Office of Management and Budget (OMB) Circulars.

II. B. PERSONNEL

Businesses should have written personnel policies available to all employees. The policies need to be consistently applied. These written personnel policies should include the business' policies concerning benefits. Questions to be asked: Do all employees have the same fringe benefits? Do some employees have more benefits than others? Are the benefits consistent with the personnel policies?

Number 43:

OMB Circular A-122, Attachment B, Paragraph 7, subparagraph "m" (revised June 1, 1998) and OMB Circular A-87, Attachment B, Paragraph 11, subparagraph "h" (revised August 29, 1997) address documentation necessary to support salaries and wages. These circulars further state that the allocation of direct service delivery staff salaries between programs and/or contracts must be documented.

II. C. TRAVEL (Travel Costs Paid with DFPS Funds)

Number 44:

Supporting documentation would be receipts required for parking fees, hotels, taxis, and airfare.

Number 45:

Travel must be in conformance with the state travel requirements and rates for lodging, meals, and personal vehicle mileage. Limitations for out-of-state meals and hotels can be obtained by telephoning the Texas Comptroller's Office in Austin at 512/475-0966. A free copy of the Comptroller's Travel Allowance Guide (TAG) can be obtained by telephoning the Texas Comptroller's Office in Austin at 512/475-0966 or on the Internet:

<http://window.state.tx.us/comptrol/san/fm.notices.date.html/fm02/fm02-09b.html>

Number 46:

The approval must be in writing and maintained with the travel voucher/travel log. The budget narrative should also have included a reference to out-of-state travel costs.

II. D. EQUIPMENT

Numbers 47-55:

Equipment is defined in 45 Code of Federal Regulations (CFR) Part 74 and the Office of Federal Financial Management, Office of Management and Budget (OMB) Circulars.

Equipment purchased through the contract is subject to an equitable claim by the state (DFPS).

The disposition of all equipment purchased with federal funds must be made according to appropriate regulations and departmental policies, as per OMB Circular A-110, Section 33 (G). No disposition should take place without prior notification to DFPS contract management.

Question #52 is a federal requirement that a physical inventory be taken at least once every two years for equipment acquired with federal funds.

II. E. SUBCONTRACTORS

Number 56:

This section must be completed if use of subcontractors is indicated on the current Form 2046 (Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Covered Contracts) on file.

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Number 58:

These individuals should be qualified and or trained and hold an appropriate position that allows decision making at the level required as per the contractor's purchasing policy.

Number 60:

Any subcontract for direct services must either state or include all the terms and conditions of the prime contract for subcontractors.

Number 61:

Contractor oversight should be sufficient to ensure that subcontractors consistently provide quality services by measuring performance against well-documented expectations. The subcontract monitoring procedures review process will check for sound monitoring practices and sound business practices. The monitoring function should focus on the outcomes of services provided with an appropriate emphasis on contract monitoring in proportion to the amount/extent of the contracted services. Procedures would adequately describe who is responsible for monitoring, how often monitoring would occur, the monitoring process to include follow-up that requires corrective action as a result of monitoring reviews, and clearly defined termination procedures. Good business practice would include an ongoing system for checking the background/credentials of potential and existing contractors and that funds are spent appropriately.

Number 62:

Procurement policies and procedures should reflect a system in which the best subcontractor is fairly and objectively selected. Procedures should clearly identify which method of contractor selection is utilized for the different types of procurements (thresholds for competitive bidding, negotiation with individual). (OMB Circular A-110, Sections 40-48.)

The contractor selection process would include established criteria to evaluate potential contractors, ranking method, and the consideration of past performance factors.

DFPS is committed to encouraging participation and increased opportunities for minority and women-owned businesses, including non-profit businesses that cannot be certified by the General Services Commission as a HUB. DFPS requires contractors who have contracts with DFPS of \$100,000 or more to do the same.

A good faith effort requires that contractors maintain documentation in purchase and contract files of their efforts to utilize HUBs. When HUB bidders are not solicited or selected, documentation should clearly state the reason. Contractors who have contracts with DFPS of \$100,000 or more are required to have a HUB Subcontracting Plan that documents either:

- a) That contractor does not plan to subcontract any components of the DFPS contract, or
- b) That contractor does plan to subcontract and includes at minimum the contractor's written policy/procedures for subcontracting and contractor's methods for soliciting and selecting subcontractors.

Number 63:

This item addresses the contract term, which requires that subcontracts for services delivered under the contract be approved by the Department. Services refer to all services required to be delivered under the contract. The completion of a Subcontractor Documentation Form is required for all subcontractors.

II. F. TITLE IV-E CHILD WELFARE SERVICES CONTRACT INFORMATION

This section captures county policy and procedure specific to any Title IV-E Child Welfare Services Contract the county may have with DFPS. This section helps DFPS contract staff to understand the county Child Welfare Board operations and is used in the determination of appropriate monitoring efforts.

Number 24:

If applicable, costs should be allocated in accordance with relative benefits or other equitable relationship.

Number 34:

All costs that are reported and/or billed as DFPS costs should be reconciled with the general ledger (the book or file that contains all or groups of the organization's accounts).

Number 35:

Contractors should know how to access or obtain copies of the Texas Administrative Code (TAC) and applicable Office of Management and Budget (OMB) Circulars.

58



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER
Carey D. Cockerell

June 26, 2008

Stephen Marquez
Travis County
P.O. Box 1748
Austin, Texas 76767-1748

Re: Change to Title IV-E Fiscal Year
Contract #23394141

Dear DFPS Contractor:

This letter serves as official notification that the term of Title IV-E County contracts will be adjusted to coincide with the federal fiscal year, October 1st through September 30th.

The US Department of Cost Allocation (DCA) requires DFPS to adhere to the principle of "actual statistics to actual costs" (or also known as contemporaneous statistics) in financial reports. In order to comply with this requirement during FY 2008, DFPS Office of Finance undertook a project to meet the required reporting of federal funds on the federal quarter.

Beginning in Fiscal Year 2010, Title IV-E County contracts timeframes will mirror the federal fiscal year, October through September. All financial Title IV-E County contracts will be renewed for thirteen months on September 1, 2008 covering September 1, 2008 to September 30, 2009. These contracts will then be automatically renewed for twelve month periods.

We value your continued partnership in service to the children of Texas and thank you in advance for your efforts to implement this change. Should you have questions, please contact your assigned contract manager.

If you have any questions regarding the proper completion of the enclosed ICSQ or ICC, please feel free to contact me at 512/834-3431.

Respectfully,

A handwritten signature in black ink that reads "Charlah Love".

Charlah Love
Contract Manager

RECEIVED
COUNTY JUDGE'S OFFICE

8

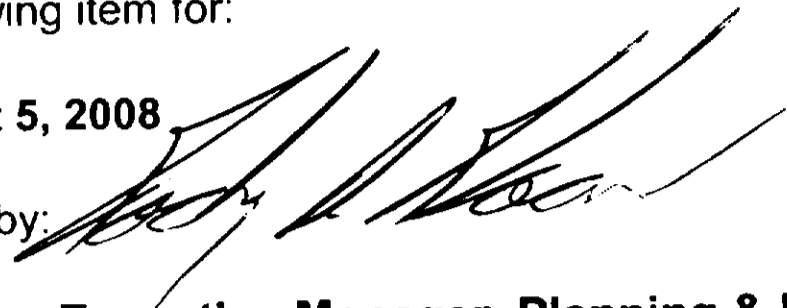
Travis County Commissioners Court Agenda Request

08 JUL 30 AM 10:27

Please consider the following item for:

Voting Session: August 5, 2008

I. A. Request made by:



Rodney Rhoades, Executive Manager, Planning & Budget

Phone 854-8679

Requested Text:

Consider and take appropriate action to set elected officials' salaries for FY 2009.

C. Approved by:

Signature of Commissioner or County Judge

II. A. All backup material needs to be attached to the Agenda and submitted with this Agenda Request (Original and eight copies).

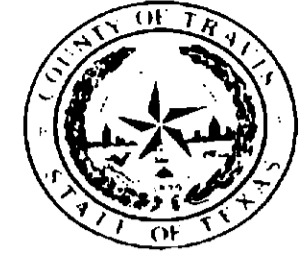
B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request and send a copy of this Agenda Request and backup to them:

- Leroy Nellis, Budget Manager, Planning & Budget 854-9106
- Belinda Powell, Capital Planning Coordinator, Planning & Budget 854-9106
- Chris Broussard, Business Analyst III, Planning & Budget 854-9106
- Susan Spataro, County Auditor, 854-9125
- John Hille, Assistant County Attorney, 854-9415
- Barbara Wilson, Assistant County Attorney, 854-9415
- The Honorable Dana DeBeauvoir, County Clerk, 854-9188
- Gillian Porter, Commissioner Court Specialist, County Clerk's Office 854-4722
- Brenda Torrez, Administrative Associate, County Clerk's Office 854-9188
- Josie Zavala, Administrative Aide, County Judge's Office, 854-9555
- Melissa Velasquez, Executive Assistant, County Judge's Office 854-9555
- Linda Moore-Smith, Director of Human Resources Management, 854-9167
- Luane Shull, Compensation Manager, Human Resource Management 854-9167
- Carlotta Valdez Leavy, Human Resource Management Specialist 854-9167
- All Elected Officials

III. BUDGET OR PERSONNEL REQUESTS. Please check if applicable:

- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any budget
- A change in your department's personnel (reclassifications, etc.)

Please coordinate through the County Planning and Budget Office (854-9106) or the Human Resources Department BEFORE submitting any agenda item that involves any budget or personnel issue.



PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

314 W. 11th Street
P.O. Box 1748
Austin, Texas 78767

MEMORANDUM

TO: Members of Commissioners Court
FROM: Belinda Powell, Capital Planning Coordinator
DATE: July 22, 2009
RE: Setting Elected Officials' Salaries for FY 2009

Attached please find a copy of the advertisement of the proposed maximum FY 2009 Elected Officials' Salaries as it appeared in The Austin Chronicle on July 18, 2008. While the edition of the Chronicle was on newsstands on Thursday, July 17th, it is dated July 18th. The County Attorney's Office has indicated in the past that the different date does not create any legal issues with the schedule or the advertisement for the purposes of setting the salaries.

Please note that the Preliminary Budget includes the funding necessary for the non-judicial salary increases at the maximum as advertised at 3.5%. Attached for your review as requested is a spreadsheet summarizing the results, for those offices under review for FY 2009, of the 2008 Salary Survey performed by the Texas Association of Counties (TAC).

cc: Rodney Rhoades, Leroy Nellis, Analysts, PBO
Linda Moore-Smith, Luane Shull Carlotta Valdez Leavy, HRMD
Alicia Perez, Shawn Malone, Administrative Operations
Susan Spataro, Diana Warner, County Auditor's Office
Melissa Velasquez, Josie Zavala, County Judge's Office
Dana DeBeauvoir, Gillian Porter, Brenda Torrez, County Clerk's Office
Barbara Wilson, County Attorney's Office
All Elected Officials

TRAVIS COUNTY, TEXAS

This notice of proposed MAXIMUM salaries and allowances for Travis County elected officials during Fiscal Year 2009 is pursuant to section 152.013 of the Texas Local Government Code. A Public Hearing on the FY 2009 elected officials' salaries and allowances will be held on July 29, 2008, at 9:00 a.m. in the Travis County Commissioners Courtroom, 314 West 11th Street, Austin Texas. This ad reflects the budgeted salaries for the elected officials. All elected officials have the right to decline the salaries set for their office. All persons are invited and may participate in the hearing. Commissioners Court will then set the elected officials' salaries and allowances.

Elected Official ¹	FY 08 Budgeted Salary	Proposed % Change	Proposed \$ Change	Proposed FY 09 Salary
District Judge (State Salary) ^{1,2}	\$125,000.00	0.0%	\$0.00	\$125,000.00
District Judge (County)	15,000.00	0.00%	0.00	15,000.00
District Judge	\$140,000.00	0.00%	\$0.00	\$140,000.00
Court-at-Law Judge (County Salary) ⁴	\$140,026.86	0.00%	\$0.00	\$140,026.86
Probate Judge (County Salary) ⁴	\$141,026.86	0.00%	\$0.00	\$141,026.86
Probate Judge (Administrative) ¹	33,000.00	0.0%	0.00	33,000.00
Probate Judge	\$174,026.86	0.00%	\$0.00	\$174,026.86
Justice of the Peace 1-5 (County Salary) ⁶	\$105,000.00	0.0%	\$0.00	\$105,000.00
District Attorney (State Salary) ⁷	\$125,000.00	0.0%	\$0.00	\$125,000.00
District Attorney (County)	33,302.00	3.50%	1,131.00	33,433.00
District Attorney	\$157,302.00	71%	\$1,131.00	\$158,433.00
County Attorney	\$146,366.00	3.50%	\$5,123.00	\$151,489.00
County Judge ⁷	\$105,173.00	3.50%	\$3,682.00	\$108,855.00
County Commissioner 1,2 ⁸ ,3 ⁹ ,4	\$87,484.00	3.50%	\$3,062.00	\$90,546.00
Constable 1-4	\$82,017.00	3.50%	\$2,871.00	\$84,888.00
Constable 5	\$85,376.00	3.50%	\$2,989.00	\$88,365.00
Sheriff	\$120,749.00	3.50%	\$4,227.00	\$124,976.00
District Clerk	\$106,389.00	3.50%	\$3,724.00	\$110,113.00
County Clerk	\$106,389.00	3.50%	\$3,724.00	\$110,113.00
Tax Assessor-Collector	\$106,389.00	3.50%	\$3,724.00	\$110,113.00
County Treasurer	\$84,626.00	3.50%	\$2,962.00	\$87,588.00

Travis County pays for health insurance for every county employee and elected official. If a county employee or elected official had and continues to have other health coverage and has continuously declined this county coverage since September 30, 2003, that person may receive an additional \$184.86 per month. This amount may, at that person's option, be added to their total annual FY 08 salary or placed in an IRS approved flexible spending account for the reimbursement of health care or dependent care expenses.

The State Salary is the least state compensation received by any of these officials. If these officials have been employed by the state continuously since August 31, 1995, they also receive \$1,026.86 as a "benefit replacement pay" supplement. The Legislature specifically said that this supplement is not "salary," but it is included in the total amount received by these officials for purposes of comparing the salaries of other elected officials.

Effective September 1, 2001, if these officials have been an active judge and a member of the Judicial Retirement System of Texas Plan One or Two for at least 16 years, they also receive \$3,840.00 as "judicial longevity pay." The Legislature specifically said that this pay is not "salary," but it is included in the total amount received by these officials for purposes of comparing the salaries of other elected officials.

The County Salary is the least compensation received by any of these officials. A supplement of \$1,840.00 based on judicial longevity is added to and part of the salary of an official if the official has been an active county court or probate judge and held an elected judicial position in Travis County for at least 16 years.

As of January 1, 2006, the Probate Judge was elected Presiding Judge of the Statutory Probate Judges of Texas for four years. For the additional duties as Presiding Judge he is paid \$33,000 per year.

The County Salary is the least compensation received by any of these officials. A supplement of \$2,880.00 is added to the salary of an official if the official has been an active Justice of the Peace and held an elected judicial position in Travis County for at least 16 years.

This includes \$4,800 paid for service on the Travis County Juvenile Board.

Pursuant to Texas Local Gov't Code § 152.052, the Commissioner Precinct 2 has requested that her compensation for FY 2009 be the annualized amount of her FY 2008 salary plus 3.5%, \$86,646.00.

Pursuant to Texas Local Gov't Code § 152.052, the Commissioner Precinct 3 has requested that his compensation for FY 2009 be 10% less than the annualized amount set for the position for 2009, \$81,491.

ELECTED OFFICIALS SALARIES

COUNTY	Bexar	Collin	Dallas	El Paso	Harris	Hidalgo	Tarrant	Travis	Williamson
County Judge	\$114,311	\$136,074	\$153,853	\$68,680	\$152,856	\$109,200	\$135,189	\$105,173	\$98,671
Commissioner - High	\$98,316	\$107,387	\$126,802	\$55,789	\$145,212	\$93,600	\$124,202	\$87,487	\$80,345
Commissioner - Low	\$49,368	\$107,387	\$126,802	\$50,718	\$145,212	\$93,600	\$124,202	\$87,484	\$80,345
County Attorney	None	None	None	\$141,287	\$165,828	None	None	\$146,368	\$124,000
County Clerk	\$99,001	\$107,234	\$122,712	\$74,513	\$137,568	\$83,200	\$124,202	\$106,395	\$80,947
District Attorney	\$41,580	\$20,835	\$50,500	\$25,560	\$165,830	Not Avail.	\$87,213	\$30,910	\$15,000
Supplement	\$125,000		\$125,000	\$125,000			\$125,000	\$125,000	
District Clerk	\$99,001	\$107,234	\$122,712	\$73,053	\$137,568	\$76,972	\$124,202	\$122,254	\$80,947
Tax AC	\$99,001	\$106,033	\$122,712	\$73,053	\$137,568	\$76,972	\$124,202	\$106,389	\$80,947
Treasurer	None	None	\$122,712	None	\$106,922	\$76,972	None	\$84,626	\$78,638
Constables - High	\$70,304	\$86,726	\$99,180	\$51,164	\$116,171	\$54,340	\$75,919	\$85,378	\$67,013
Supplemental						\$1,200			
Constables - Low	\$70,304	\$86,726	\$99,180	\$49,196	\$116,171	\$54,340	\$75,919	\$82,017	\$67,013

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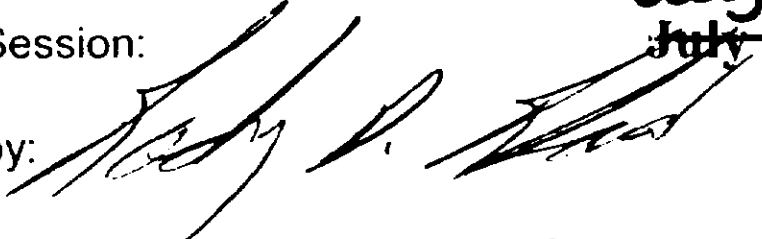
TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Please consider the following item for:

Voting Session:

Aug. 5
~~July 29, 2008~~

I. A. Request made by:



Rodney Rhoades, Executive Manager, Planning and Budget (ext. 9106)

Discuss & update on preliminary FY 09 budget.

Approved by:

Signature of Commissioner(s) or County Judge

II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (Original and eight copies of agenda request and backup).

B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request. Send a copy of this Agenda Request and backup to them:

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- _____ Additional funding for any department or for any purpose
- _____ Transfer of existing funds within or between any line item budget
- _____ Grant

Human Resources Department (854-9165)

- _____ A change in your department's personnel (reclassifications, etc.)

Purchasing Office (854-9700)

- _____ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- _____ Contract, Agreement, Policy & Procedure

RECEIVED
COUNTY CLERK'S OFFICE
08 JUL 31 PM 2:43

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 p.m. on Monday for the next week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.

FY 09 Budget Parameters – General Fund As of 7/28/08

	FY 08 Adopted	FY 09 Projected Totals		Total	Notes
		One Time	Ongoing		
Beginning Fund Balance	72,063,810	54,657,574		54,657,574	Third Revenue Estimate (Amended)
Current Property Taxes	285,966,541		302,989,729	302,989,729	Tax revenue shown is at a tax rate of \$.4006 which is 2.50% above the Effective Tax Rate of \$.3908. This revenue figure has been reduced to account for additional revenue from Samsung and Domain new construction that must be rebated back to them according to contractual obligations. These amounts include \$2,508,000 for Samsung and \$229,218 for Domain, which were deducted from the gross revenue and setup in a contra account by the County Auditor. The Amended Third Revenue Estimate is based on the Certified Taxable Values from TCAD. The Certified Tax roll reduced new construction by \$299 million and increased total taxable value by \$2.1 billion which resulted in a reduced effective tax rate and a reduction in tax revenue of approximately \$2.2 million.
Other Revenue	78,769,814		78,759,062	78,759,062	Third Revenue Estimate (Amended)
Total General Fund Revenue	436,800,165	54,657,574	381,748,791	436,406,365	Third Revenue Estimate (Amended)
Reserves:					
Unallocated Reserves	40,355,884	40,091,458		40,091,458	11% based on combined General Fund, Debt Service and Road & Bridge Fund
Capital Acquisition Resources (CAR) account	23,018,732	9,387,481		9,387,481	Continuing the goal of keeping amount of borrowed funds (CO's) as low as possible. Includes \$1,224,221 of Bureau of Justice Reimbursement which is restricted to corrections related expenditures.
Regular--Allocated Reserve	3,615,763	4,000,000		4,000,000	Earmarks on Allocated Reserves total \$1,689,635. Additional funds available for unanticipated expenses.
Annualization Reserve	653,176		2,084,478	2,084,478	Includes additional resources to annualize staffing and utilities for Building 12 at Del Valle scheduled to open June 2009 and final Juvenile Detention Buildout staffing scheduled to open April 2009.
Reserve for FY 07 Job Study "Green Circle" employees	83,430	-		-	Reserve from FY07 no longer needed.
Sheriff's Jail Inmate Reserve	453,040	-		-	Not needed in FY09.
Juvenile Justice Reserve	750,000			-	Still unclear what the short term issues will be with the Texas Youth Commission changes along with potential decreases in Title IV-E funding. It appears department will be able to manage issues in the short term with existing resources. Will continue to monitor for impact.
Reserve for Elections Runoff	639,170	-		-	No need for such a reserve at this time.
Reserve-Fuel and Utilities			1,108,121	1,108,121	Fuel=\$493,121; Utilities=\$615,000.
Reserve-Civil Attorney Fees			200,000	200,000	Current estimate at current rate per hour.
Reserve for potential costs increases		371,938		371,938	Includes partial grant match. Additional reserves reduced due to drop in revenue in the Amended Third Revenue Estimate.

	FY 08 Adopted	FY 09 Projected Totals	Total	Notes	
		One Time	Ongoing		
Reserve-Downtown Planning		700,000		700,000	
Psychiatric Services Reserve	100,000	-	-	-	\$100,000 included in the Sheriff's Target Budget.
Reserve for Economic Downturn		-		-	A one-time reserve is advisable in order to anticipate economic downturn in 2010, but was eliminated with the reduction of revenue in the Amended Third Revenue Estimate.
Sub-Total - Reserves	69,669,195	54,550,877	3,392,599	57,943,476	
Departmental Base Budgets:					
FY 08 Base Dept. Budget	339,126,380			-	
FY 09 Departmental Budget Target			365,256,049	365,256,049	Budget Target amounts established based on FY 08 Budgets less one-time costs plus annualized expenditures and mid-year changes related to Commissioners Court actions.
Wages & Benefits:					
Health and Other Benefit Increases	157,810	-	-	-	Employee Benefit's Committee recommends holding health rates the same as in FY 08 based on actuary study. Second year in a row with the same rates. The Employee Health Fund reserve has been reduced based on planned actions. (FY 08 amount shown was for life insurance only).
Compensation adjustment – Rank and File and POPS anniversary step	18,592,001		5,745,897	5,745,897	Includes 3.0% Rank&File of \$4,565,567; Peace Officer Step Increase of \$575,980; FY08 Job Study of \$500,000; 3.5% Elected Official Salaries of \$63,924; and Starflight Pay for Performance of \$40,426.
Career Ladders			312,322	312,322	Approved by Commissioners Court effective July 1, 2008.
\$2/Hour Raise for Lower paid employees			849,370	849,370	
Health care contra account for vacant positions	(2,424,166)	-	477,358	477,358	FY 08 Health care contra account built into FY 09 Budget Target. Hospitalization vacancy and decline savings have been adjusted to reflect current projections.
One- Time Savings from Risk Fund		(1,000,000)		(1,000,000)	Resources in FY09 available to meet one-time General Fund needs, but ongoing requirements still exist.
One-Time Savings from Employee Health Fund absorbing county contribution toward retiree health coverage		(4,892,724)		(4,892,724)	Based on over funded Health Benefits Reserve, the Health Fund should be able to absorb the County contribution for retiree health care in the short term. (Similar savings occurred in FY 08). Resources for retiree health care will be needed on an on-going basis, but FY 08 and FY 09 resources should be able to be redirected toward other General Fund needs. A Subcommittee of the Employee Benefits Committee has been established to review this issue. The Subcommittee's recommendations have reduced the projected balance for FY09.
Elected officials' salaries	99,344		-	-	3 1/2% increase Excludes JP's who are now on judicial pay scale. Included in comp reserve.
Retiree COLA	-		-	-	Assume similar COLA as rank and file employees. Amount can be funded within existing rate and with no additional cost for FY 09.
Increased Salary Savings			(655,953)	(655,953)	Based on lowest previous three year actual savings.
Sub-Total Wages and Benefits	16,734,839	(5,892,724)	6,728,994	836,270	
BCP increase	967,423	-	1,275,285	1,275,285	BCP increase based on new BCP increased values at proposed M&O FY 09 Tax Rate of \$.3380.

	FY 08 Adopted	FY 09 Projected Totals	Total	Notes
Waller Creek TIF Payment		-	100,000	First year of TIF payment to Waller Creek Fund. Base year value is \$228 million and TIF payment is 50% of increased value.
Maintenance of Current Effort		405,432	2,322,463	Includes increases in outside audit fee, TCAD fee, maintenance agreements, continuation of APD drug lab, operating line item increases in the jail, electronic monitoring program, copier and supplies, summer youth program, aircraft maintenance, and various other small amounts.
County Court at Law #8		79,385	1,220,831	Includes staffing and operating supplies for the County Attorney, County Clerk, Judge and support staff, Sheriff, CSCD, Counseling Center, and mandated fees.
New Facilities		32,600	931,980	Juvenile Detention Final Pod and Building 12 at Del Valle staffing and operating expenses. Expenditures are prorated based on projected building completion with the annualized costs included in the annualization reserve.
Fuel and utilities			1,739,865	Fuel=\$930,724 and Utilities=\$809,141.
Revenue Related Packages		611,226	1,818,116	Includes \$1,251,074 for Starflight new Business Plan; collection and warrant clerks; CAPCOG expenditures, motor vehicle staff and chapter 19 reimbursement expenses, and passport staff.
JP Records Cleanup		285,421	285,421	Temporary staff for cleaning records for future conversion to new system.
Pilot Programs		1,256,369	1,256,369	Includes Ater School Program, Children Partnership, CDBG Planner, Workforce Investment, Mental Health Mobile Crisis Outreach Team, JPS and Constable 5 Civil Court Clerks, and Parenting Program Coordinator.
Interlocals		30,836	548,377	Increases in Health and EMS Interlocal.
Security		1,880	330,665	Includes Security Committee Recommendations and increased transfer to the Courthouse Security Fund.
PBO Changes		(99,400)	(275,873)	Includes amounts departments submitted budgets below target levels, moving expenditures to other funds, reduction in Jury Fees, and various other small adjustments.
Other		339,765	817,071	Includes intergovernmental and special assistant salaries, RFP cost for new financial system, SWMP Inspection Staff, and auditor adjustment
Sub - Total FY 09 Increases and PBO changes		2,943,514	12,370,570	
Total Expenses		51,601,667	436,406,365	
Available Balance		3,055,907	(3,055,907)	



PLANNING AND BUDGET OFFICE TRAVIS COUNTY, TEXAS

314 W. 11th Street
P.O. Box 1748
Austin, Texas 78767

July 28, 2008

To: Members of the Commissioners Court, Travis County
Elected Officials, Appointed Officials, Employees and Constituents

From: Rodney D. Rhoades, Executive Manager, Planning and Budget
Leroy Nellis, Budget Director

Re: Fiscal Year 2009 Preliminary Budget

We are pleased to present the Travis County Preliminary Budget for Fiscal Year 2009. This document is submitted in accordance with all statutory requirements and will serve as a platform for the Commissioners Court to receive comments from the public and county departments on FY 09 funding priorities. It contains the recommendations from the Planning and Budget Office (PBO) for a balanced budget within the policy and fiscal directions provided by the Commissioners Court and the current information available. The final budget is scheduled for adoption by the Commissioners Court on Tuesday, September 23, 2008.

Travis County, like most governmental agencies has felt the effects of the recent economic downturn. The Preliminary Budget has first endeavored to meet the County's existing contractual and programmatic commitments, along with providing some resources for compensation increases while maintaining the County's reserves at a level consistent with financial policies. Beyond these areas, the Preliminary Budget contains very few increases or additional new programs as resources have been extremely limited. In addition, reserves for Economic Downturn and Cost Increases that were previously included at the time of the third revenue estimate have had to be reduced or eliminated in an effort to keep the budget balanced. This is a result of the amended third revenue estimate Planning and Budget received after the certified roll was finalized and is an area that we plan to address with the Commissioners Court during budget hearings.

A major influence on this budget has been specific direction from the Commissioners Court to place a limit on the growth in property tax revenue. The Court provided instructions in February 2008 that the tax rate in the Preliminary Budget should be "at or near" the Effective Tax Rate. The Preliminary Budget is balanced at a tax rate of 2.5% over the Effective Tax Rate, or \$0.4006 per \$100 of Appraised Value. Since property taxes represent such a substantial part of the County's revenue, this limitation has

restricted growth in programs and other expenses in order to ensure a balanced budget. The proposed tax rate has been calculated to reflect this revenue limitation.

The Chief Appraiser for the Travis Central Appraisal District has projected the total property value to increase from \$85.1 billion certified in FY 08 to \$95.3 billion in FY 09. This includes \$3.9 billion in new property value that has not before been on the tax rolls. In addition, the average homestead value after all exemptions are applied will increase from \$257,222 in FY 08 to an estimated \$282,894 in FY 09.

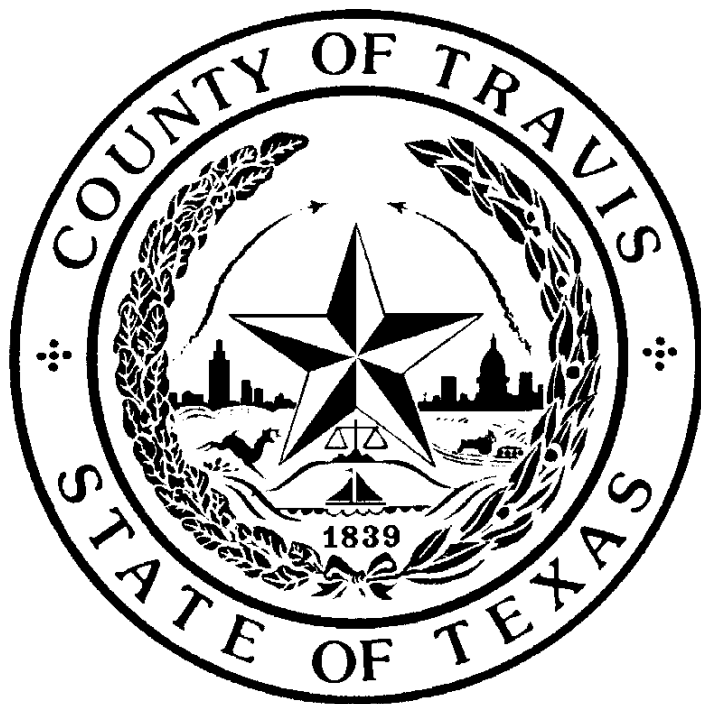
The FY09 Preliminary Budget is balanced at a lower tax rate than the FY 08 Adopted Rate. The proposed tax rate is \$.4006, which is 2.1 cents lower than the current tax rate. This is the third year in a row where the tax rate has dropped substantially from the prior year. It was \$.4993 in FY 06. It dropped to \$.4499 in FY 07, it dropped again to \$.4216 in FY 08 and is proposed to be \$.4006 in FY 09. This represents a decrease in the tax rate of 9.87 cents since FY 06. At the proposed tax rate, the average of all homesteads will see a modest increase in the county tax bill of \$24.53 or \$2.05 per month. This represents a 2.98% annual increase in the tax bill.

To meet the County's capital needs, a total of \$40,383,936 is included in the Preliminary Budget from the following basic sources: the General Fund Capital Acquisition Resources (CAR) account (\$9,387,481), debt from Certificates of Obligation (\$16,885,000), capital projects in Other Funds (\$426,455), and debt from long-term bonds authorized by the voters in 2005 (\$13,685,000).

Due to the prudent financial policies of Travis County, we have once again had our AAA bond rating reconfirmed by the two national credit rating agencies. This bond rating has been awarded by both agencies since 2001. It should be noted that we are one of five out of 254 counties in the State of Texas who has received such an honor. This is a result of historically careful spending, relatively low reliance on fluctuating income sources, and careful adherence to a set of adopted "Financial and Budgeting Guidelines". While the County still faces budgetary challenges for FY 09, it does so with officials prepared to control costs, make careful expenditures, and implement improved efficiencies while meeting the public's demand for services.

This Preliminary Budget represents a sound financial plan for FY 09. The budget has been filed with the County Clerk for the public's review. Additional copies are available in the Planning and Budget Office in the Ned Granger Administration Building, 314 W. 11th Street, Suite 540. It is also posted on Travis County's web site, (www.co.travis.tx.us).

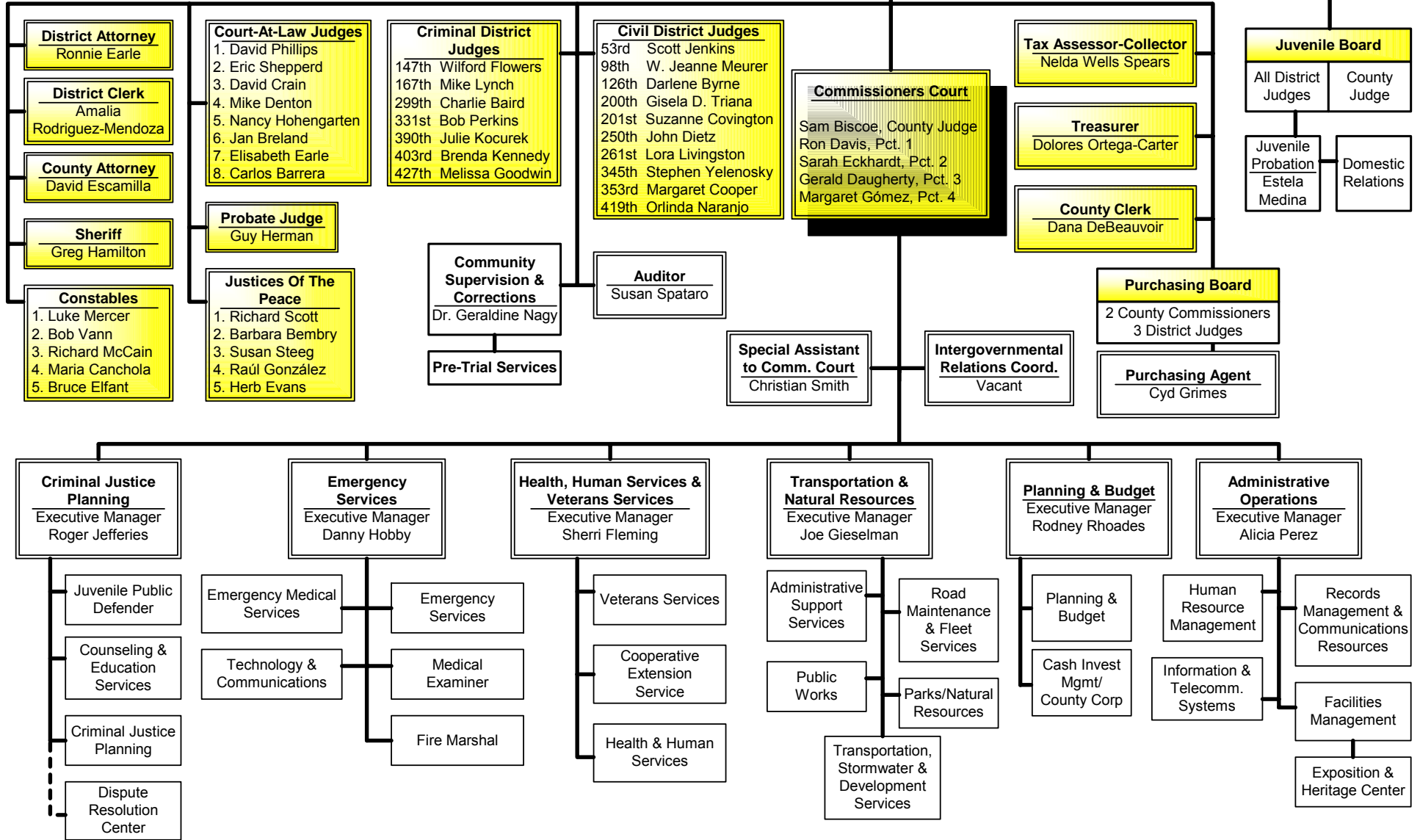
**FY 2009 PRELIMINARY BUDGET
EXECUTIVE SUMMARY**



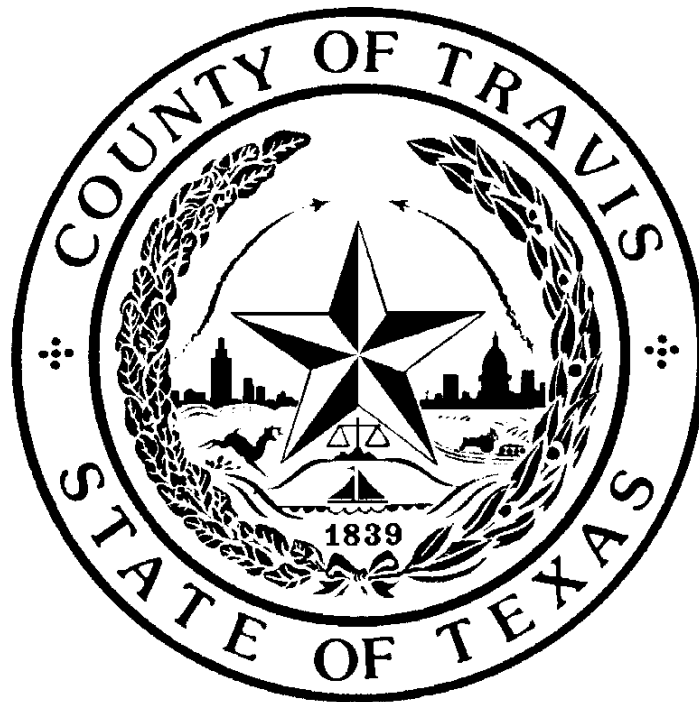


TRAVIS COUNTY

Travis County Voters



Elected Officials



I. BASIC COMPONENTS OF THE FY 09 PRELIMINARY BUDGET

The FY 09 Budget Guidelines approved by Commissioners Court on February 26, 2008, set the parameters for the Planning and Budget Office (PBO) to follow in developing the FY 09 Preliminary Budget. Key parameters include the following:

- ▶ The tax rate in the Preliminary Budget should be “at or near” the Effective Tax Rate. For purposes of developing a Preliminary Budget, the Commissioners Court indicated in the FY 09 Budget Guidelines that a tax rate within 3% to 4% of the Effective Tax Rate is considered to be “near” the Effective Tax Rate. The Preliminary Budget is balanced at a tax rate of 2.5% over the Effective Tax Rate, or \$0.4006 per \$100 of Appraised Value.

- ▶ If resources are available, PBO should include in the Preliminary Budget a Compensation Reserve of between 3% and 4% of salaries (between \$5.0 million and \$6.6 million) for a variety of compensation issues. The Preliminary Budget includes a Compensation Reserve of \$5,745,897, which represents approximately 3.0% of all salaries.

- ▶ The Commissioners Court’s budget guidelines call for special attention during FY 09 and FY 10 to be given to: (1) reducing adult jail and juvenile detention populations, with special attention toward inmates with mental illness; (2) addressing substance abuse; and (3) enhancing workforce development (adult training and new jobs). The Preliminary Budget includes funding for the continuation of the Mobile Crisis Outreach Team which provides emergency and urgent psychiatric crisis outreach and follow-up to adults and youth and the Children’s Partnership, which provides traditional and non-traditional therapeutic and residential treatment services to children with complex mental health needs and their families. In addition, staffing was added to the Counseling Center’s Alcohol and Drug Assessment Program and funds for a cash match for the Parenting in Recovery Program grant were added to continue leveraging \$2.5 million in federal resources to provide treatment and comprehensive services to children and parents involved in the child welfare system as a result of parental substance dependence. Finally, the Preliminary Budget also includes funding for workforce investment programs.

Beyond these three key parameters, the FY 09 Preliminary Budget is also based on funding those projects and programs that are needed continuations of existing programs or were previously approved by Commissioners Court. For example, the Preliminary Budget includes hardware and software maintenance agreements as well as the new approved County Court-at-Law (#8), and staffing related to the opening of the new Jail Facility (Building 12) at the Travis County Correctional Complex (TCCC) located in Del Valle.

Finally, the FY 09 Preliminary Budget is shaped by prevailing economic conditions that are affecting governments and citizens alike. Large increases in utilities and fuel have redirected resources that otherwise may have gone to needed programmatic enhancements. These conditions have also resulted in a projected drop in the FY 09

beginning fund balance of over \$18 million. As departments spend more this year for approved services and projects, the fund balance drops, leaving fewer one-time resources for FY 09. While some of this drawdown was expected and planned for, the drawdown was not projected at this magnitude.

Likewise, on the revenue side of the equation, the economic slowdown has resulted in a slight reduction in the new construction value which totals \$3.16 billion (excluding new construction included in the Samsung and Domain rebate agreements) in new construction value. In addition, the continued plunge of interest rates has resulted in interest income dropping by almost \$3.9 million from the FY 08 Adopted Budget to the Auditor's Amended Third Revenue Estimate for FY 09.

A recapitulation of the FY 09 Preliminary Budget is found in Appendix I. The FY 09 Preliminary Budget total for all funds is \$644,715,780, compared to the FY 08 Adopted Budget for all funds of \$663,650,517. This is a 2.85% decrease from the FY 08 Adopted Budget. Key changes are summarized below.

FY 09 Preliminary Budget – All Funds

	FY 08 Adopted Budget	FY 09 Preliminary Budget	\$ Change	% Change
General Fund (1)	\$ 436,800,165	\$436,406,365	(\$393,800)	(0.09%)
Road and Bridge Fund	23,589,476	24,016,023	426,547	1.81%
Debt Service Fund	80,707,196	81,743,180	1,035,984	1.28%
Internal Service Funds:				
Risk Management Fund	18,491,123	18,967,352	476,229	2.58%
Employee Insurance Fund	70,683,196	68,140,697	(2,542,499)	(3.60%)
Other Funds (2)	45,868,935	29,510,067	(16,358,868)	(35.66%)
Less Transfers	(12,489,574)	(14,067,904)	(1,578,330)	12.64%
Total	\$663,650,517	\$644,715,780	(\$18,934,737)	(2.85%)

(1) From the Amended 3rd Revenue Estimate for FY 09.

(2) Excludes the two internal service funds (Risk Management Fund and Employee's Insurance Fund) but includes Other Funds Not Approved by Commissioners Court. Almost \$16 million of the decrease in the Other Funds total is related to a decrease in the Balcones Canyonland Preservation Fund.

II. DEPARTMENTAL BUDGETS IN THE PRELIMINARY BUDGET

Appendix I contains a comparison of General Fund departmental budgets from FY 07 through the FY 09 Preliminary Budget. The Adopted Budgets for all departments, excluding capital amounts, increased from \$367,130,970 in FY 08 to \$372,318,705 in the FY 09 Preliminary Budget, excluding capital. Appendix I also includes a table, "FY 09 Summary of Budget Requests" that lists the 471 individual requests for additional resources and indicates their funding status.

FY 09 Preliminary Budget - General Fund				
Revenue, Reserves and Wages				
	FY 08 Adopted Budget	FY 09 Preliminary Budget		
		One-Time Expenses	Ongoing Expenses	Total
Beginning Fund Balance	\$ 72,063,810	\$ 54,657,574	\$ -	\$ 54,657,574
Current Property Taxes	285,966,541	-	302,989,729	\$ 302,989,729
Other Revenue	78,769,814	-	78,759,062	\$ 78,759,062
3rd Revenue Estimate	\$ 436,800,165	\$ 54,657,574	\$ 381,748,791	\$ 436,406,365
Unallocated Reserve	\$ 40,355,884	\$ 40,091,458	\$ -	\$ 40,091,458
Capital Acquisition Resources (CAR)	23,018,732	9,387,481	-	9,387,481
Regular - Allocated Reserve	3,615,763	4,000,000	-	4,000,000
Annualization Reserve	653,176	-	2,084,478	2,084,478
Central Campus Redevelopment				
Planning Reserve	-	700,000	-	700,000
Fuel & Utilities Reserve	-	-	1,108,121	1,108,121
Civil Court Mandated Fees Reserve	-	-	200,000	200,000
Reserve for Potential Cost Increases	-	371,938	-	371,938
Reserve for FY 07 Green Circle	83,430	-	-	-
Sheriff's Jail Inmate Reserve	453,040	-	-	-
Juvenile Justice TYC Reserve	750,000	-	-	-
Elections Runoff Reserve	639,170	-	-	-
Psychiatric Services Reserve	100,000	-	-	-
Subtotal Reserves	\$ 69,669,195	\$ 54,550,877	\$ 3,392,599	\$ 57,943,476

FY 09 Preliminary Budget - General Fund				
Departmental Target Budgets	\$ 339,126,380	\$ -	\$ 365,256,049	\$ 365,256,049
Hospitalization Savings Reduction	\$ -	\$ -	\$ 477,358	\$ 477,358
Midyear \$2/Hour Wage Increase for Maintenance Job Titles	-	-	849,370	849,370
Compensation Adjustments	18,592,001	-	5,745,897	5,745,897
Career Ladders incl. above	-	-	312,322	312,322
One-time savings from Risk Fund	-	(1,000,000)	-	(1,000,000)
One-time savings from Employee Health Fund	-	(4,892,724)	-	(4,892,724)
Increased Salary Savings	-	-	(655,953)	(655,953)
Elected Officials' Compensation (in Compensation Adjustments line above)	99,344	-	-	-
Health and Other Benefits Increases	157,810	-	-	-
Healthcare contra account for vacant positions	(2,424,166)	-	-	-
Subtotal Wages and Benefits	\$ 16,424,989	\$ (5,892,724)	\$ 6,728,994	\$ 836,270
Other Expenses				
General Fund Transfer to Balcones Canyonland Preserve Fund	\$ 967,423		\$ 1,275,285	\$ 1,275,285
Waller Creek TIF			100,000	100,000
County Court-at-Law #8		79,385	1,141,446	1,220,831
Countywide Fuel			930,724	930,724
Utilities			809,141	809,141
Maintenance of Current Effort (MCE)		495,648	1,917,031	2,412,679
New Facilities		32,600	899,380	931,980
Revenue Related Packages		611,226	1,206,890	1,818,116
Justice of the Peace Records Cleanup		285,421		285,421
Pilot Programs		1,166,153	-	1,166,153
Interlocal Agreements		30,836	517,541	548,377
Security		1,880	328,785	330,665
PBO Changes		(99,400)	(176,473)	(275,873)
Other		339,765	477,306	817,071
Total Other Expenses	\$ 11,269,751	\$ 2,943,514	\$ 9,427,056	\$ 12,370,570
Total All Expenses	\$ 436,800,165	\$ 51,601,667	\$ 384,804,698	\$ 436,406,365
Available Balance	\$ -	\$ 3,055,907	\$ (3,055,907)	\$ -

III. PERSONNEL CHANGES

A total of 73.22 new FTE have been added to the Preliminary Budget. Of those, eight are added for one year only. The remaining 65.22 are added on an ongoing basis. Approximately two-thirds of the staffing increases are related to the new County Court-at-Law #8, the opening of the new Building 12 at the Travis County Correctional Complex, and the staffing for the final detention pod in the Juvenile Probation Department.

General Fund Position Changes	
Department/Description	Change
County Court-at-Law #8 (Criminal Courts, Sheriff's Office, County Clerk's Office, CSCD, Counseling & Education Services, County Attorney's Office)	13.00
Sheriff's Office - Building 12 Staffing	31.50
Juvenile Probation - Final detention pod staffing	11.00
General Administration - Addition of Special Asst. and Intergovernmental Relations Staff	1.50
Unfunded State Mandate (Tax Office)	1.00
Identify Management Staff (ITS)	1.00
JP5 workload support (one-time)	1.00
CN5 Warrant Workload (one-time)	2.00
Pretrial Services Electronic Monitoring Program (one-time)	2.00
TNR Stormwater Management Program Inspector	1.00
Building security (Facilities Management)	1.00
Subtotal - FTE Funded with New Resources	66.00
Revenue Related (Justice of the Peace, Pct. 5, Tax Office, Counseling & Education Center, District Attorney's Office)	2.00
Revenue Related - Star Flight Business Plan	9.00
FY 08 changes approved mid-year (RMCR, HHS, Facilities Management)	(7.40)
Internally Funded (District Attorney's Office, Juvenile Probation, RMCR, Civil Courts, Tax Office, Emergency Services, Sheriff's Office)	3.62
Subtotal - Revenue Related, Midyear Changes, or Internally Funded	7.22
Total FTE Change	73.22

IV. MAJOR FUNDING ISSUES

A. Economic Development

The FY 09 Preliminary Budget includes a \$1,275,285 increase to the Transportation and Natural Resources (TNR) Department to fund the transfer from the General Fund to the Balcones Canyonland Preservation (BCP) Fund (Fund 038). This amount represents the increased estimated tax revenue in FY 09 from new construction on BCP lands as compared to prior year tax revenues, along with other adjustments. The total FY 09 transfer from the General Fund to the BCP Fund is \$7,955,470 as per the Auditor's Amended Third Revenue Estimate.

The Preliminary Budget also includes \$100,000 for the payment for the county's participation in the Tax Increment Reinvestment Zone No. 17 (Waller Creek TIF). This payment is the estimated amount Travis County will be responsible for under the agreement with the City of Austin to deposit into the Tax Increment Fund fifty percent (50%) of the County's tax increment on the properties in the Waller Creek TIF. The purpose of the Waller Creek TIF is to provide resources for the construction of a tunnel that will remove properties along Waller Creek from the floodplain which allows development along Waller Creek. The length of the agreement is 20 years.

B. County Court-at-Law #8

The 80th Texas Legislature created a new County Court-at-Law in Travis County to address increased workload, especially related to increased Driving While Intoxicated cases. County Court-at-Law #8 is scheduled to begin operations in November 2008. Capital funding for the courtroom was appropriated during FY 08. FY 09 funding for the court's operations totals \$1,220,831 in operating expense, \$22,875 in IT equipment, and \$124,288 in capital across seven departments and offices. An earmark of \$100,000 in Allocated Reserve is also established for legally mandated fees. The chart that follows summarizes the various budget and FTE increases per department/office.

Department	Operating	FTE	Description
Criminal Courts	\$394,579	4	County Court at Law Judge, Judicial Aide, Court Reporter & Office Specialist with associated operating budget.
Legally Mandated Fees	373,697	0	Mandated fees include attorney fees, interpreters, court reporting charges, jury expense, psychiatrist/psychologist, special assignment judges, and investigator fees.
County Clerk's Office	162,805	3	1 Court Services Management Administrative Coordinator (Grade 15), 1 Court Clerk II (Grade 13), and 1 Court Clerk Assistant (Grade 11) with associated operating budget.
County Attorney's Office	102,454	2	A legal secretary and victim counselor for prosecution support and related operating costs.
Sheriff's Office*	92,601	2	Two Certified Peace Officers and one-time equipment expense.
CSCD	45,818	1	One-time funding for 1 Probation Officer II plus related operating expense. It is expected that CSCD will obtain state funding for this position in FY 10.
Counseling & Education Services	48,877	1	1 Counselor to handle increased caseload as well as DWI court caseload.
TOTAL	\$1,220,831	13	

* These two Sheriff's Office positions are for Inmate Transportation and are funded in the General Fund. Another two Sheriff's Office positions not listed in the table above will also support the added workload from the new County Court-at-Law #8 related to Courthouse Security. Funding for these two Certified Peace Officers totals an additional \$85,753 and is in the Courthouse Security Fund supported by a General Fund transfer.

C. Countywide Fuel

The countywide fuel budget is driven by changes in the cost of fuel as well as changes in fuel usage. Given projections by the Energy Information Agency, it is projected that the average price of fuel in Travis County in FY 09 will be \$3.70 for unleaded fuel and \$4.08 for diesel. These price assumptions would require an increase of \$1,329,605 to stay at the same consumption level as FY 08.

The FY 09 Preliminary Budget includes an increase of \$930,724 directly to the countywide fuel budget housed in TNR's budget as well as a Fuel Reserve of \$493,121 (37% of the projected price increase). The Fuel Reserve is intended to provide the Commissioners Court flexibility to encourage operational changes that result in decreased fuel consumption. In addition, an Earmark of \$300,000 on the Allocated Reserve is included in the Preliminary Budget for possible price increases beyond what is currently projected.

The Commissioners Court has established an Efficiency Committee to identify county operations that can be improved and where efficiencies may be gained that will result in either cost decreases or avoided costs. One major goal is to decrease county fuel consumption. The Travis County Sheriff's Office has already implemented a pilot program where every Deputy Sheriff assigned a county vehicle has a goal of reducing fuel consumption by one gallon a day. The Sheriff's Gallon a Day Program is a good example of the type of leadership and creativity that is needed in this type of endeavor.

D. Utilities

A total of \$809,141 is included in the Preliminary Budget for increased utilities costs. The county's utility budget is located in three departments – the Transportation and Natural Resources Department for parks facilities, the Sheriff's Office for the Travis County Correctional Complex, and the Centralized Utilities Department for all remaining county facilities. The FY 09 Preliminary Budget includes an additional \$400,000 in the Centralized Utilities Department and \$409,141 in the Sheriff's Office for maintenance of current effort. These increases are based on a projected annual fuel charge increase in FY 09 in addition to the 20% fuel charge increase of January 2008. There is a special Utilities Reserve for Building 12 at the Travis County Correctional Complex described later in this document.

The newly established Efficiency Committee is also seeking to identify improvements to county operations that may result in decreased utility costs. Facilities Management Department has been researching energy efficiency best practices as well as

implementing some changes over the past several years that result in greater energy efficiency in county facilities.

E. Maintenance of Current Effort (MCE)

1. Court Mandated Fees

The FY 09 Preliminary Budget includes an ongoing increase of \$300,000 for Criminal Courts Legally Mandated Attorney's Fees. This increase is related to volume increases in the number of defendants qualifying for court-appointed counsel. In addition, PBO is recommending an earmark on Allocated Reserve of \$300,000 for potential legally mandated attorney's fees related to pending capital cases.

PBO is also recommending a \$200,000 Reserve for Civil Courts Legally Mandated Attorney's Fees. This amount is a projection related to volume increases at the current fee level. Because the Civil Courts Department has submitted proposals to create two separate Public Defense Units that are directly related to legally mandated attorney's fee expenditures, the Reserve will allow Commissioners Court to weigh the programmatic as well as budgetary costs and benefits of the three requests with the department.

2. ITS Maintenance Agreements

PBO is recommending funding of \$219,082 for contract increases relating to maintenance coverage for existing software and hardware, including existing systems upon expiration of warranty. The \$219,082 recommended is a net amount, based on decreases for some maintenance contracts where PBO is recommending new capital expenditures. These capital expenditures include the purchase of a Digital Video Transport package for Records Management & Communication Resources (RMCR) that results in the elimination of \$43,977 for I-NET contract costs in FY 09 and the purchase of a replacement Unisys server and software that eliminates \$270,973 in ongoing maintenance agreement costs. The Unisys server will be sold on the used market when no longer needed and is expected to sell for approximately \$100,000.

3. Half-time Psychiatrist in Sheriff's Office

The FY 09 Preliminary Budget includes \$114,630 in ongoing funding for the second half-time Psychiatrist position in TCSO. This position, when filled, will provide psychiatric services to an inmate population of approximately 400 persons with severe to chronic psychiatric illnesses.

4. Corrections Operating Costs

The cost of many commodities (e.g., food and groceries, drugs and pharmaceuticals) and medical services have increased over the past several years and the budget for these line items have not been changed since FY 07. PBO recommends the following

funding increases to ensure sufficient resources for an estimated inmate Average Daily Population of 2,650. The funding is for cost increases in commodities only, rather than for any increase in ADP. The FY 09 projected ADP is 115 less than last year, or a 4.3% decrease.

Description	Funded
Food & Grocery Supplies (Inmates)	\$382,558
Drugs & Pharmaceutical Supplies	470,959
Medical Services	(14,749)
Total	\$838,768

5. Copy/Print Shop-Related Expenses

The FY 09 Preliminary Budget includes ongoing funding of \$121,522 for Records Management and Communication Resources (RMCR) Department for various copy and print shop-related expenses. These include copier replacement, copy charges and contract increases, and copy and print shop paper. These are maintenance of current effort requests related to price increases.

6. Special Fees

The General Administration budget is increasing by \$134,652 in FY 09 to account for the following fee increases.

Arbitrage fees	\$20,000
Auditing fee (estimate)	50,300
Membership fees (Capital Area Council of Governments, National Association of Counties, Conference of Urban Counties)	4,413
Travis Central Appraisal District fee (estimate)	59,939
Total	\$134,652

The auditing fee is considered an estimate at this time as the audit contract is not final yet. Likewise, the Travis Central Appraisal District fee is an estimate because the county's final pro rata share is not final yet.

7. Other MCE Requests

There are a variety of other Maintenance of Current Effort increases throughout county departments in the FY 09 Preliminary Budget that are less than \$100,000 each and are summarized in the table below.

Department	Purpose	One-Time	Ongoing	Total
County Auditor	Continuation of Electronic Legal Research		8,000	8,000
ITS	Identity and Access Management Infrastructure Expansion	91,902		91,902
County Attorney's Office	Green circled employee adjustment		364	364
County Clerk's Office	Electronic Voter Qualifying Stations	29,500		29,500
District Clerk's Office	Green circled employee adjustment		2,259	2,259
Civil Courts	Audio System Repairs (with an additional \$25,500 in capital funding)	7,500		7,500
Criminal Courts	Assisted Listening and Interpreter System repairs (with an additional \$36,000 in capital funding)	6,000		6,000
Constable, Pcts. 2, 3, 5	Civil Process Certification Pay		68,284	68,284
Constable, Pct. 2	Safety Vest Replacements	5,850		5,850
Constable, Pct. 2	Accurint fee increase		2,000	2,000
Constable, Pct. 3	Law Enforcement Equipment & Uniform Replacement	35,800		35,800
TCSO	Law Enforcement Equipment & Services		9,100	9,100
Medical Examiner's Office	Specimen send-outs		25,000	25,000
CSCD	Mental Health Medication and Transitional Services (funded through TCSO savings)		5,472	5,472
Juvenile Probation	Progressive Sanctions		63,796	63,796
Civil Service Commission	Scantron software	2,205	1,576	3,781
Criminal Justice Planning	APD Drug Lab Chemist	69,600		69,600
RMCR	Digital Video equipment and systems	47,000		47,000
RMCR	Secure Shredding contract	15,000		15,000
HHS	Congregate Meal Program		20,880	20,880
HHS	Summer Youth Program		37,013	37,013
EMS	Aircraft maintenance, enhancement and training	28,875	6,230	35,105
Civil Courts Legally Mandated Fees	Increase for Third Administrative District fees		4,603	4,603
Total Other MCE		\$ 339,232	\$ 254,577	\$ 593,809

F. New Facilities

1. Travis County Correctional Complex Building 12 Staffing

The new jail building (Building 12) at the Travis County Correctional Complex (TCCC) at Del Valle will be substantially complete by March 2009 and is expected to open June 1, 2009. Based on those dates, with an Inmate ADP of 2,650 for 2009 and an inmate bed capacity of 3,095 after June 2009, the Preliminary Budget includes funding for 31.5 new positions for Building 12 along with the redeployment of 158.5 positions as follows:

Position	Redeployed Positions	New Positions
Lieutenant	2.0	1.0
Sergeant	6.0	1.0
Corrections Officer	150.0	21.0
Security Coordinator	0.0	6.0
Building Maintenance Worker Sr	0.0	2.0
Office Specialist Sr	0.5	0.5
TOTALS	158.5	31.5

These 31.5 FTEs would be authorized to start in FY 09 as follows:

Position	Number	Start Date
Lieutenant	1.0	June 2009
Sergeant	1.0	March 2009
Corrections Officer	10.0	June 2009
Corrections Officer	11.0	August 2009
Security Coordinator	6.0	March 2009
Building Maintenance Worker Sr	2.0	March 2009
Office Specialist Sr	0.5	March 2009
TOTALS	31.5	

The Preliminary Budget includes \$486,497 in salaries and benefits, \$24,800 for clothing and uniforms, and capital outlay of \$19,514 for a maintenance truckster and two hand-held radios.

The Preliminary Budget also includes an annualization reserve for FY 10 of a net \$1,160,708 for these 31.5 positions as well as \$468,000 for FY 10 utility costs. In addition, \$615,000 is in the Utility Reserve for Building 12 utility costs in FY 09. Annual utility costs for Building 12, which will have 1,336 of the county's 3,095 inmate bed capacity as of June 2009, are estimated at \$1,083,000.

2. Juvenile Probation Detention Build-Out Phase 3 (Final)

The FY 09 Preliminary Budget includes \$406,683 in funding for 11 new staff and operating expenses for the remaining eight newly constructed detention beds with a start date of April 1, 2009. Additional one-time funding for IT equipment (\$27,620) and other capital equipment (\$21,000) is also included in the Preliminary Budget. The annualized ongoing cost is \$813,368. Funding will be provided in the department for the six months of operation for FY 09 with the remaining funds included in an annualization reserve to fully budget these costs for FY 10. This will increase the detention capacity of the Juvenile Justice Facility from 112 to 120 beds. The juvenile Average Daily Population is expected to be around 90 in FY 09 with projected spikes at capacity occurring more frequently.

Since it is still unclear how the various interrelated Texas Youth Commission (TYC) issues will impact these figures, these resources will also provide the department flexibility with staffing and resources to manage its FY 09 budget. It is also important to note that there are no plans to continue a Juvenile Justice TYC Reserve into FY 09.

3. Other New Facilities Move Costs

A total of \$14,000 in one-time costs is budgeted in Facilities Management Department to fund move costs associated with the following three capital projects: Design and Construction of the New Precinct 1 Office Building, Renovation of the First Floor of the

Precinct 2 Office Building, and Security Upgrades for the 4th Floor of the Granger Building.

G. Revenue Related Packages

A small number of budget requests are included in the Preliminary Budget because they are expected to result in additional revenue to support the added expense. These packages total \$611,226 in one-time resources and \$1,206,890 in ongoing resources. In certain cases the projected revenue increase is sufficiently documented that the expense is added on an ongoing basis. In other cases, the projected revenue is not sufficiently documented so those requests are funded with one-time resources and will be re-evaluated for FY 10.

1. Warrant Workload Staffing in Justice of the Peace, Precinct 5

Justice of the Peace, Pct. 5 submitted a proposal to improve warrant issuance and execution rates through the hiring of additional staff. Historically, the Precinct 5 Justice Court has seen most of its workload focused in other areas. The FY 09 Preliminary Budget includes ongoing funding of \$43,604 and one-time funding of \$1,000 for one Warrant Court Clerk that is supported by additional revenue.

2. Tax Office Motor Vehicle Clerk & Chapter 19 Reimbursable Funding

The Preliminary Budget includes \$40,318 in one-time resources to fund one Tax Specialist for the Motor Vehicle Division of the Tax Office. The Tax Specialist will handle the increase in motor vehicle registrations and titles and new mandates from TxDOT. The motor vehicle division is expected to increase revenue from FY08 to FY09 by \$125,000. Currently the Tax Office is experiencing a 3% annual growth rate. This new FTE will allow the office to maintain the current level of service when processing motor vehicle transactions.

The Chapter 19 Reimbursable funding is related to expenses incurred as part of a state voter registration program. Under this program, the state reimburses the county for certain types of expenses made in support of county voter registration. The Preliminary Budget includes \$15,782 in one-time funding to allow the Tax Office to make the qualifying expenditures. These funds will be reimbursed to the General Fund upon receipt of the state funding.

3. District Clerk's Passport Clerk

The Preliminary Budget includes \$42,754 in one-time resources to fund a second year of operation of the District Clerk's Passport Office. The position is funded by increased revenue generated by passport fees. It is funded using one-time resources to allow time to evaluate whether the passport demand will continue into the future or if it drop after the recent increased activity due to new federal requirements related to international travel.

4. Justice Courts Collections

The FY 09 Preliminary Budget includes \$130,060 in one-time funding for the continuation of three Special Project Temporary Court Clerks in Justice of the Peace, Precincts 1, 4, and 5. These Clerks prepare, maintain, and update cases for transfer to the Central Collections Office. No new additional revenue was certified for these packages for FY 09.

5. Counseling and Education Services Administrative Staffing

The Preliminary Budget includes ongoing funding of \$36,175 for one new office specialist and \$26,349 in additional funds for a temporary, part-time office specialist. These positions will allow the office to reorganize their Alcohol and Drug Assessment Program. Currently the counselors handle many administrative functions such as scheduling. This will now be handled by office specialists. By allowing the counselors more time to perform assessments, the addition of this administrative support is expected to generate \$62,524 in new revenue.

In addition, Commissioners Court approved a \$2 surcharge to all of CES's education classes. The additional revenue generated of \$7,885 will be added to the Crime Victims Fund. The department expects that this addition can help 240 more victims of crime by increasing the department's victim service contracts with outside organizations.

6. Capital Area Council of Governments (CAPCOG)

Emergency Services received approval to rebudget into FY 08 funding received from CAPCOG in FY 07. Emergency Services has again requested that CAPCOG funds be rebudgeted to the next fiscal year. The FY 09 Preliminary Budget includes \$205,000 for this purpose. The funds will be used to reimburse and fund eligible expenditures associated with the design of a 9-1-1 system and/or purchase and maintain equipment and personnel necessary to establish and operate answering points and related operations in Travis County. A portion of the funds may be allocated to other entities within Travis County that have qualifying expenditures.

7. Star Flight Business Plan

The Preliminary Budget includes \$1,251,074 in one-time and ongoing operating funding to support the Star Flight Business Plan, approved by Commissioners Court on July 1, 2008. This initiative is a pilot program meant to verify the department's strategic plans to go forward with a third helicopter and accompanying staff to manage the program's growth in Central Texas. The business plan requests comprise: \$507,734 for three additional Pilots, one Mechanic and one Administrative Associate; a \$16,807 reduction in associated pilot overtime; \$439,334 for two Flight Nurses and two Flight Paramedics; \$302,160 for Aircraft Fuel; \$16,553 for medical equipment; and \$2,100 for IT expenses.

The Auditor's Amended Third Revenue Estimate includes FY 09 revenues of \$2,306,529 associated with this pilot program.

8. Underage Drinking Prevention Program Grant Match

The Preliminary Budget includes \$18,115 in one-time funding for a cash match for a long-standing Travis County grant program. The Underage Drinking Prevention Program is an education and outreach program aimed at junior high and high school kids. The program is administered by the County Attorney's Office.

H. Justice of the Peace Records Cleanup

The Preliminary Budget includes \$285,421 for the continuation of electronic case data in Justice of the Peace Precincts 1, 4, and 5. The case cleanup is needed to: (1) continue to prepare cases to be sent to Central Collections and from there to the Third Party Vendor, if necessary; and (2) to ensure that a future conversion to a new system can occur with as few computer glitches as possible. For FY 09, the conversion to the Fully Automated Court Tracking System (FACTS) for the JPs has been reprioritized. Instead, ITS will focus on replacing the Unisys servers and transferring the case data to new servers to avoid a catastrophic system failure in the existing legacy system.

I. Pilot Programs

The Commissioners Court has established three priority program areas towards which it wishes to direct resources: (1) reducing adult jail and juvenile detention populations, with special attention toward inmates with mental illness, (2) substance abuse, and (3) workforce development (adult training and new jobs). The first five programs listed below are funded in the Preliminary Budget and address these three program areas.

1. The Children's Partnership/TRIAD

The continuation of one-time funding of \$165,000 is recommended in the FY 09 Preliminary Budget to support youth with significant mental health challenges and their families. These programs have been funded with one-time resources since FY 05. These services include residential services, traditional mental health services such as assessments/evaluations, therapy, medication and non-traditional services such as respite, parent coaching, mentoring, enrichment and basic needs. This funding is the payer of last resort and is used when no other funding source can be identified and/or accessed. Travis County continues to see an increase in the number of youth served by these programs. These combined programs served 354 children in FY 07 and are projected to serve 470 in FY 08 with similar projected needs for FY 09.

2. Workforce Investment Programs

The FY 09 Preliminary Budget includes \$100,000 in one-time funding to continue a pilot project begun in FY 07. This pilot has been an expansion of existing County workforce

development (WFD) program and includes \$60,000 to expand the Rapid Employment Model, \$30,000 to increase capacity in Capital IDEA to establish a long-term approach (12-30 months) to lead participants from un-employment or under employment to high wage careers, and \$10,000 to support outcome and impact evaluation of an REM pilot and other local WFD services. The \$100,000 investment serves 25 clients. An independent evaluation of the program is being conducted and the results will help inform the Commissioners Court's funding decision in FY 10.

3. HHS Mobile Crisis Outreach Team

The Mobile Crisis Outreach Team (MCOT) provides emergency and urgent psychiatric crisis outreach and follow-up by traveling to locations and evaluating adults and youth who cannot or will not access traditional psychiatric emergency room care. The program, first funded as a pilot project in FY 07 works with this targeted population as well as those for whom detention is not warranted or for whom emergency detention has not become necessary. Other Texas Counties have implemented similar programs and have found this type of mental health outreach has reduced psychiatric hospitalization and detention of this targeted population. This program is part of a larger plan currently being implemented by key mental health stakeholders to address emergency mental health services in the Austin-Travis County area. The program was originally solely funded by Travis County to operate 10 hours per day, four days per week. The State has awarded the Mental Health and Mental Retardation (MHMR) Department funding so the program can now operate 24 hours a day, seven days a week. The FY 09 Preliminary Budget includes the continuation of \$400,000 in one-time funding for another year of operation.

4. Travis County After School Program

The Preliminary Budget includes \$220,000 in one-time funds to continue the pilot After School programs at Gus Garcia Middle School and the Ann Richards School for Young Women Leaders. These two pilot programs have been added to the Travis County Collaborative After School Project (TCCAP) that also provides ongoing after school education opportunities at Webb and Pierce Middle Schools. The program serves students that are considered low income and high need. The lead agency is the Austin Independent School District. The FY 08 Adopted Budget includes the first year one-time funding to expand these services to Gus Garcia Middle School, and students attending the Ann Richards School for Young Women Leaders. Many students from these two new schools are transfers from Webb and Pearce. The program was requested to promote a continuity of services to be delivered in this high need community.

5. Cash Match for Parenting in Recovery Program

On October 1st, 2007, Travis County was awarded a federal grant by the US Department of Health and Human Services - Administration for Family and Children. The grant award is \$500,000 per year for five years, totaling \$2.5 million. The grant

project, Parenting in Recovery (PIR), will provide a flexible, comprehensive continuum of services for children and parents who are involved in the child welfare system as a result of parental substance dependence. Objectives of Parenting in Recovery (PIR) are to: (1) provide cross-systems training for child welfare and substance abuse counselors to promote more effective collaboration and treatment planning and increase ability to serve families with substance dependency and child welfare involvement; (2) preclude/decrease the number of out-of-home placements for children of mothers with substance dependency; and (3) increase the safety and wellbeing of children of substance dependent mothers by reducing risks factors and increasing protective factors for child maltreatment.

FY 09 will be the second year of the grant and will require a grant match of \$88,000 through a combination of cash and in-kind matches. The Preliminary Budget includes \$75,030 for the FY 09 cash match for the Parenting in Recovery Grant, with the remaining \$12,970 of the match to be covered by in-kind services from grant partners.

6. Pretrial Services Electronic Monitoring Programs

PBO is recommending one-time funding of \$80,783 plus \$6,920 in associated IT equipment for the addition of two FTE to support the Pretrial Services Electronic Monitoring (EM) Unit. The two FTE will allow the department to monitor defendants assigned to comply with pretrial release conditions of three electronic monitoring programs. The programs include the Secure Continuous Remote Alcohol Monitor (SCRAM) and Mitsubishi Electronic Monitoring System (MEMS) programs used to monitor defendants who are prohibited from consuming alcohol during their pretrial release and Global Positioning System (GPS) monitoring program used to monitor defendants with serious offenses, sometimes involving violence against persons on a real-time basis. This program is projected to produce savings from avoided out of county jail housing costs in FY 09 estimated at \$93,136.

An additional \$9,433 in one-time funding is included in the FY 09 Preliminary Budget for a pilot project to provide on-call coverage of all Electronic Monitoring Programs four days per week.

7. Community Development Block Grant (CDBG) Planner

The Preliminary Budget includes \$36,064 in one-time resources to continue the second CDBG Planner for FY 09. The first CDBG Planner position has been funded on an ongoing basis since FY 08 and both have been authorized since FY 06 to administer the grant program. The additional cost of the second Planner is \$61,065 less a \$25,000 internal reallocation from CDBG General Fund operating expenses. The operating expenses for CDBG for next year will be budgeted directly in the grant budget, which has allowed the reallocation of the General Fund resources toward the FTE request. Since the position is in the FY 08 budget, continuing the position for FY 09 will not impact the FTE count for the department.

8. Civil Court Clerk for Justice of the Peace, Pct. 5

The Preliminary Budget includes \$43,604 in one-time resources for a special project temporary Civil Court Clerk for the Justice of the Peace, Pct. 5. In 2008, Justice Courts' civil jurisdiction was increased from a \$5,000 maximum to a \$10,000 maximum. This office is projecting an increase in civil case filings of almost 100% from FY 06 to FY 08. The one-time resources will provide the office temporary help to deal with the increased workload and time to evaluate whether the increased workload is a one-time spike or whether it represents a higher baseline.

9. Warrant Workload Deputies for Constable, Pct. 5

The Preliminary Budget includes one-time funding of \$126,455 for two new Deputy Constables in the Constable, Pct. 5 Office to support the warrant workload that will result from the Warrant Court Clerk in JP5. This package is not supported by new revenue and will be re-evaluated for FY 10.

J. Interlocal Agreements

1. Emergency Medical Services (EMS) Ground and Air Contracts

The EMS FY 09 Preliminary Budget includes \$400,000 in ongoing operating and \$500,000 in capital funding to maintain current levels of effort for EMS Air (Star Flight) and EMS Ground, two interlocal agreements with the City of Austin. These amounts are estimates given that the county and city are still negotiating the contracts and the city has granted EMS staff meet and confer authority.

These increases center on escalations in fuel costs, capital replacement, health and other personnel benefits. Vehicle replacements total \$500,000 in capital for two ambulances and two EMS command vehicles.

2. City of Austin (COA) Public Health Interlocal

The City of Austin has proposed the interlocal cost for FY 09 to be \$2,631,470, which is a \$336,413 increase compared to the current budget. The City has stated the increase is the result of increases such as gasoline and health insurance and an increase in the Travis County population outside of the City from 25.95% to 26.93%. PBO currently recommends \$42,330 in additional resources for the FY 09 Public Health Interlocal. This consists of \$36,871 budgeted directly in the department and \$5,459 in the compensation reserve for County direct staff under the agreement. This assumes a 3.85% compensation increase for County direct staff based on recent discussions with the City. PBO notes that the recommended amount for FY 09 is subject to modification based on the ongoing discussion between County and City representatives.

3. Other Interlocal Agreement Increases

The Preliminary Budget includes an additional \$18,943 in ongoing resources for the Texas AgriLife Extension Interlocal in the Cooperative Extension Services. This increase is for the county's portion of the program's Extension Agent salaries. In addition, the District Attorney's Office interlocal agreement with the Center for Child Protection includes a one-time increase of \$30,836 to cover expenditures formerly included in the Family Protection Fund (Fund 058) which saw a decrease in resources for FY 09 of this same amount. Finally, Preliminary Budget includes \$61,727 in ongoing resources for the Emergency Services Department's Combined Transportation, Emergency and Communications Center (CTECC) and Regional Radio System (RRS) Cooperative Program. These funds will pay for escalation costs in a Motorola contract.

K. Security

1. General Fund Transfer to Courthouse Security Fund for Sheriff's Office Security Staffing

The FY 09 Preliminary Budget includes an increase to the General Fund transfer to the Courthouse Security Fund of \$294,043 to fund expenditure increases for the Central Command Security Sergeant at \$67,689 and two Certified Peace Officers for the new County Court-at-Law #8 at \$85,753 discussed earlier in this document. The remainder of the transfer of \$140,601 is necessary to balance the expenditures in the Courthouse Security Fund to the Auditor's Amended Third Revenue Estimate.

The County Security Committee recommended the Central Command Security Sergeant be funded to improve the Sergeant to Officer supervisory ratio from 1:30 to 1:16 after the addition of Officers for the County Court-at-Law #8 (described earlier). A small portion of the cost of this position, \$1,880 in one-time resources and \$1,037 in ongoing resources, is funded in the General Fund.

2. Building Security Guard for Post Road

One new Building Security Guard was added to the Facilities Management Department budget for a total of \$33,705 in ongoing personnel costs. This position will provide security services at the HHS offices at the county's Post Road facility. This position was recommended by the County Security Committee.

L. PBO Changes

The Preliminary Budget includes a net decrease of \$275,873 for a variety of small changes to budgets. Two changes totaling \$214,640 merit further discussion.

1. Fund Switches for HHS Programs

A total of \$173,040 was moved from the Health and Human Services General Fund budget to the Health Food Permits Fund (Fund 68) and the Corporations budgets. A total of \$73,040 of General Fund expense related to the public health interlocal was moved to a special revenue fund established per statutory requirement to connect these expenditures with the related revenue. Funding for a Southwest Key construction project totaling \$100,000 was moved to a Travis County Corporation budget. While budgets for these projects were moved, the expense will continue to occur outside of the General Fund.

2. District Clerk's Jury Pay Budget

The Preliminary Budget includes a decrease of \$41,600 to the jury pay line items in the District Clerk's budget. The jury pay line items pay jurors for jury service. With the continued success of I-Jury, a web-based jury summoning and impanelment program, fewer potential jurors have to report to the Courthouse for the impanelment process. This results in a reduction in the amount of pay needed for jury impanelment. This decrease is an effort to rightsize this budget.

3. Other PBO Changes

A net total of \$61,233 in other PBO Changes is included in the Preliminary Budget. These include decreases to the budget due to various departments submitting their proposed budgets below the target budget level, PBO corrections for changes in longevity pay, changes to the General Fund transfers to other funds, and other minor PBO corrections to department's proposed budgets.

M. Other

1 Intergovernmental Relations Staffing

In July 2008, Commissioners Court approved the creation of a new position to serve as an Intergovernmental Relations Coordinator for the Court. The FY 09 Preliminary Budget includes \$91,901 for salaries and benefits. The new staff member will collaborate with other governmental (local, state and federal) and quasi-governmental organizations to pursue various goals and initiative of Travis County. No operating or capital funds have been approved by Commissioners Court for this position. An Earmark on Allocated Reserve of \$62,203 is included for a support position, operating, and related capital. In addition, Commissioners Court approved \$11,856 for salaries and \$2,800 for operating expenses for the continuation of a part-time Special Assistant to Commissioners Court position that was approved midyear in FY 08.

2. New Financial System

The FY 09 Preliminary Budget includes \$231,040 in one-time funding for expenses related to the Request For Proposal (RFP) process for the New Financial System. The project is currently in the needs analysis and requirements gathering phase but will move into the RFP and vendor selection phase in FY 2009.

The funding will be used to acquire outside expert advice and services related to the RFP process as well as the subsequent contracting with selected vendor(s). In addition, the funding will cover travel expenses during the vendor selection portion of the RFP process and services related to setting up a new chart of accounts.

3. Salary Adjustment Funding for Auditor's Office

The Preliminary Budget includes \$298,287 in additional funding for partial market adjustments for staff in the Auditor's Office as requested by the County Auditor and by Local Administrative Judge John K. Dietz in a letter dated July 25, 2008.

4. Tax Office Voter Registration Staffing

The Preliminary Budget includes \$47,657 in one-time resources to fund a Data Specialist position for the Voter Registration Division. A new mandate from the Secretary of State's Office requires data imports from the Department of Public Safety to be verified on a daily basis. This position will handle these daily downloads to be compliant with state mandates and allow current employees to return to their original duties.

5. Stormwater Management Plan Staffing

The Preliminary Budget includes \$43,199 in ongoing resources and \$1,070 in one-time resources for one Engineering Inspector Specialist to help implement the County's SWMP mandated by the Texas Pollutant Discharge Elimination System (TPDES) General Permit TXR040000 for stormwater discharges from Small Municipal Separate Storm Sewer Systems (MS4s) issued by the Texas Commission on Environmental Quality (TCEQ) in 2007.

6. Other Increases

The Preliminary Budget includes funding spread among three departments totaling \$89,261 for a historical survey, the restoration of operating funding, web development services for the Civil Courts, and to implement a court operations officers plan.

V. WORKFORCE INVESTMENT

A. Background and History

Each year, the Commissioners Court determines whether there are resources to fund a variety of employee pay adjustments. Since FY 97, there have been only two years when no compensation increases were available and one year when 1.5% was available. Every other year, at least a 3% compensation increase has been funded. In addition to performance based pay awards, the Commissioners Court has also funded scheduled increases to employees within the Peace Officer Pay Scale (POPS), along with increases to POPS itself, special augmentations for skill based pay and targeted increases for Sheriff's Law Enforcement employees over multiple years.

The economic circumstances in FY 08 allowed for relatively substantial compensation increases and the Commissioners Court adopted a 3.5% Cost of Living Adjustment (COLA) for all rank and file employees. Those employees earning less than \$30,000 per year were guaranteed a \$1,050 minimum increase (equal to 3.5% of \$30,000). The Court appropriated another 2% for performance-based awards, market adjustments, salary compression issues, and other compensation needs. In addition to the amounts listed above, Commissioners Court funded a market salary study for certain job titles that were paid below market (e.g., attorney, public safety and emergency management, social services, engineering and support services, planning, management and research, and purchasing job titles). The total county increase in investment in rank and file employees was \$10,291,105 in FY 08. In addition, Commissioners Court funded an additional \$8,300,896 for various peace officer pay increases including an 11.5% average increase for the Sheriff's Office POPS, a 7.5% increase for Deputy Constables, and a 5.5% increase for Park Rangers and Investigators. The total compensation increases last year were \$18,592,001.

B. Compensation Reserve

The FY 09 Preliminary Budget includes a Compensation Reserve of \$5,745,897. This reserve includes funding for a 3% Cost of Living Adjustment for rank and file employees, the anniversary step increase for personnel on POPS, partial funding for the FY 08 Market Salary Survey, a 3.5% maximum salary increase for non-judicial elected officials, and STARFlight pay for performance (a contractual obligation).

FY 09 Compensation Reserve	
Category	Amount
Rank and File at 3.0%	\$4,565,567
POPS Step Increase	\$575,980
Market Salary Survey	\$500,000
Elected Officials Salaries at 3.5%	\$63,924
Star Flight pay for performance	\$40,426
Total	\$5,745,897

The reserve includes funding for salary and related benefits increases in the form of a COLA for rank and file employees. The anniversary step increase is part of the Court-approved policy for POPS.

Commissioners Court is proposing to increase elected officials' salaries (except the judiciary) by a maximum of 3.5% in FY 09. The final salaries will not be set until after the Preliminary Budget is filed and could be lower than this ceiling. The Compensation Reserve includes \$63,924 for the proposed 3.5% increase for elected officials. Judicial salaries have been indexed to District Judges' salaries. The state will hold these salaries at the same amount FY 09. As a result, the FY 09 Preliminary Budget does not contain resources for salary increases for the Judiciary (District and County Court-at-Law Judges, Probate Judge, Associate Judges, and Justices of the Peace).

Finally, the Compensation Reserve includes funding to match county Star Flight personnel compensation to that of the City of Austin's (COA) EMS employees. This increase is a contractual obligation and is based on the compensation increase being proposed by the COA. If the COA compensation increase changes after the Preliminary Budget, the county portion will also change to match the revised COA amount.

The results of the FY 08 Market Salary Survey have recently been shared with Commissioners Court. The job families included in the survey are: Courts; Senior and Middle Management; Professional Support; Training, Education and Instruction; Reproduction; Public Information; Human Resources; Information Technology; and Special Project Elections. The results of that survey have a projected cost of \$2.5 million. The Compensation Reserve currently includes only \$500,000 of that amount.

As in previous years, Commissioners Court may choose to allocate the funding in the Compensation Reserve in a different manner to address COLA, performance-based pay, the results of the salary survey, compa-ratio considerations, and other compensation issues.

C. Midyear Increase in Maintenance Worker Compensation (\$2/Hour)

Midyear in FY 08, Commissioners Court approved a \$2 per hour increase in the salaries of all Maintenance Worker job titles. This affected staff in four departments, Facilities Management, Sheriff's Office, Juvenile Probation, and Transportation and Natural Resources. The cost of this increase to the General Fund in the FY 09 Preliminary Budget is \$849,370.

D. Career Ladders

A total of \$312,322 is included in the FY 09 Preliminary Budget for career ladder increases for staff in Juvenile Probation Department, Pretrial Services, the Counseling Center, the County Attorney's Office, and the Auditor's Office. Career ladders serve as a tool for employee retention and career advancement and are used for limited job titles.

E. Salary Savings

The Preliminary Budget includes a variety of modifications to departmental salary savings budgets. The salary savings budget for a department is a negative (contra) account that is established to allow the county to capture the personnel savings related to vacancies that occur throughout the year. In FY 09, the salary savings accounts of several departments are increased (made more negative) based on an analysis of historical salary savings in those departments. The contra account is being increased by \$655,952 in FY 09. This increase to the departments' negative accounts then frees up resources that are used in other areas of the Preliminary Budget.

F. Health Benefits

Travis County began a self-insured health benefits plan in FY 02. Under a self-insured program, the actual insurance claims made by employees are paid directly from County resources with an insurance carrier hired to administer claims processing. The primary benefits from being self-insured are that the plan can provide a better level of benefits for employees and provide more control over increasing health premiums for the County. Despite this control, self-insurance does not necessarily reduce overall health care expenses.

During Spring 2007, an Employee Benefits Committee, in close coordination with the County's external actuary, reviewed various options, costs, and affordability of different plans for FY 08. For the first time in many years, Travis County's health costs have begun to stabilize, although health costs for retirees under 65 years of age continue to be a concern for FY 08 and beyond. The Commissioners Court voted to continue the current three-option plan, which allows employees to choose medical benefits in accordance with their medical needs, financial means, and family situations. The basic benefits level of the various health plans was not modified.

The Commissioners Court approved in May 2008 the health insurance rates for FY 09. The rates for regular employees and retirees are unchanged from FY 08. For FY 09, the proposed County composite contribution rate will again be \$629 per month per regular employee, \$1,170 per month per retiree under age 65, and \$339 per month per retiree over 65. These are the same as the actuarially determined contribution rates for FY 08. However, the county's retiree contribution will be funded from the Allocated Reserve of the Employee Health Fund.

PBO has worked with HRMD and the Auditor's Office concerning the size of the Allocated Reserve of the Employee Health Fund. The outside auditor and the County's actuary have both expressed that the reserve is larger than needed. Two actions that have been implemented to reduce the size of the Employee Health Benefits Fund Allocated Reserve include stopping the transfer of savings from General Fund vacant positions to the Employee Health Benefits Fund in FY 06 and the deferral of further General Fund transfers for the full County contribution for retiree health for the majority

of FY 07 and all FY 08 and FY 09. The \$4,892,724 budgeted for the County's contribution for retirees in the HRMD General Fund Budget will not be needed in FY 09 as the reserve will cover this contribution.

As summarized below, the Employee Health Benefits Fund was established in FY 02 at \$18.3 million and has grown to \$68 million for the FY 09 Preliminary Budget. The Auditor's Amended Third Revenue Estimate includes a beginning balance in this fund of \$31,000,000, plus \$35,970,697 in premium income, and \$1,170,000 in interest and rebate income for a total of \$68,140,697. The Allocated Reserve for the fund is \$22,922,454, which is \$7,325,150 less than the FY 08 Allocated Reserve, primarily the result of actions to reduce the Reserve in a planned manner discussed earlier. The totals in the Employees Health Benefit Fund will be updated after open enrollment for FY 09 with any changes incorporated into the Adopted Budget.

Employee Health Benefits Fund – FY 02 to FY 09

Fiscal Year	Size of Employee Health Benefits Fund
FY 02	\$18,334,435
FY 03	\$22,162,255
FY 04	\$31,585,857
FY 05	\$38,342,713
FY 06	\$48,807,721
FY 07	\$64,424,670
FY 08	\$70,683,196
FY 09 (3 rd Rev. Est.)	\$68,140,697

G. Additional Risk Management Fund Reductions

HRMD, the County Auditor's Office, and PBO met to review resources needed for the Risk Management Fund for FY 09 and determined the General Fund contribution to the fund could be reduced by an additional \$1,000,000. This is in addition to planned reductions that have been made the last few years. As a part of the FY 07 budget process, PBO worked with HRMD and the Auditor's Office to reduce the ongoing revenue from the General Fund to the Risk Management Fund by \$1.2 million per year for four years to reduce the Allocated Reserve of the Fund by \$4.8 million since the fund's balance continued to increase. FY 09 will be the third year of this four-year planned reduction in the Allocated Reserve based on resources needed in the fund. The total planned reduction is \$1.3 million for FY 09. The additional one-time \$1,000,000 reduction for FY 09 will be restored in the HRMD General Fund target for FY 10.

VI. DEBT POLICY

The Commissioners Court has established a debt limitation policy that is intended to maintain a prudent approach toward the issuance of debt. Among other things, this policy indicates that the Commissioners Court will not issue long-term debt (i.e., with a repayment period in excess of five years) without the approval of such a bond issue by the voters through an election, except under the following circumstances:

1. The expenditure is legally required of the County, where penalties or fines could be imposed on the County if the expenditure is not made. Or,
2. When a financial analysis demonstrates that during a stipulated term Travis County would spend significantly less. Or,
3. The voters have previously approved the issuance of general obligation bonds but, for valid reasons, certificates of obligation must be substituted for such bonds in order to carry out the voters' authorization. Or,
4. When the expense is for necessary planning services or acquiring options for a future capital project that will be submitted to the voters.

VII. CAPITAL RECOMMENDATIONS

A total of \$39,983,936 in capital funding is included in the FY 09 Preliminary Budget from the following basic sources - the General Fund Capital Acquisition Resources (CAR) account totals \$9,387,481 (including a \$614,006 Reserve amount), debt from new Certificates of Obligation of \$16,885,000 (including issuance costs of \$87,549), other funds capital of \$426,455, and debt from long-term bonds authorized by the voters in 2005 of \$13,685,000.

As is the case with ongoing expenditures, the County is facing financial constraints on the availability of resources for capital expenditures. The Preliminary Budget addresses these limitations by including those capital projects and equipment for funding that meet the following criteria:

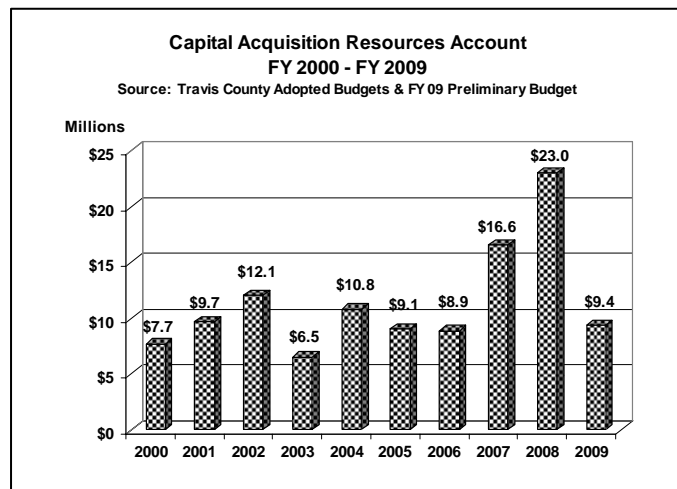
- Projects either in the middle or end of their multi-year phased implementation (Precinct 2 Office Building 1st Floor Renovation, Design and Construction of Pct. 1 Office Building);
- Projects where there is little choice but to fund them for health and safety purposes or to avoid future expenses that would be greater (e.g., roof replacement at the Travis County Jail or the upgrade to the fire alarm system at the Executive Office Building);
- Equipment that continues the maintenance of County-wide information systems infrastructure;
- Projects which have already been partially funded by the Commissioners Court or have a contractual obligation to implement;
- Projects which have revenue certified to cover their cost; or
- Projects that the Court has already provided directions to include for funding.

This year, PBO has asked departments to prioritize equipment which needs replacement and is part of a replacement plan, (such as personal computers or vehicles). As such, not all personal computers or vehicles that met the replacement guidelines are included in the FY 09 Preliminary Budget. Those that could reasonably be deferred have been.

A. General Fund Capital Acquisition Resources (CAR) Account

The General Fund Capital Acquisition Resources (CAR) account is used to fund capital equipment and facilities. This account has been quite variable over the years, driven by economic circumstances, capital needs, and other sources and constraints on debt financing. In the last 10 years, it has ranged from a low of \$6.5 million in FY 03 to a high of \$23.0 million in FY 08.

The FY 09 Preliminary Budget establishes the CAR account at \$9,387,481, which is over \$13 million lower than in FY 08. This amount includes a Reserve of \$614,006 and expenditures of \$8,773,475. The total amount also excludes any CAR resources appropriated in FY 08 and proposed to be rebudgeted in FY 09 since a complete list of such resources had not been identified, analyzed or recommended by the time the Preliminary Budget was filed.



Rebudgeted CAR projects represent capital that was approved and funded in FY 08 but is not anticipated to be encumbered or expended prior to the end of the fiscal year and yet will still be needed in FY 09. As in previous years, PBO has included an incomplete list of FY 08 CAR funded capital requested by departments to be rebudgeted as part of their budget submission in Appendix I. A complete list of such rebudgeted projects will be provided to the Commissioners Court in September as part of the budget process.

The list of CAR-funded items or facility projects included in the FY 09 Preliminary Budget is located in Appendix I.

B. Other Funds

In addition to the resources provided through the General Fund Capital Acquisition Resources (CAR) account, other special funds have a total of \$426,455 for various capital needs. These funds include the County Clerk Records Management Fund and Archival Fund, the Law Library Fund, the Justice Court Technology Fund and others. The list of projects and equipment budgeted in these funds is located in Appendix I.

C. Debt Financing

The last of the three funding sources for capital equipment and projects is debt, either issued in the form of Bonds or Certificates of Obligation.

1. Previous Bond Authorizations

Since 2000, there have been three separate bond authorizations that voters have approved, as outlined below.

a. November 2000 Bond Authorization

In November 2000, voters authorized the Commissioners Court to issue \$28 million in General Obligation bonds. Only \$2 million of authorization remains. The remaining authorization for the US Highway 290 West road project is not scheduled to be issued in FY 09. The county's Transportation and Natural Resources Department is closely coordinating with the state on this project.

b. November 2001 Bond Authorization

In November 2001, voters authorized the Commissioners Court to issue \$184,955,000 in General Obligation bonds. Through FY 08, \$182,565,000 of the authorization has been issued for approved projects. Of the \$2,390,000 in remaining authorization:

- \$200,000 (Proposition 2: County park projects) – this amount will not be issued as savings from an existing Certificate of Obligation were used instead of this authorization.
- \$2,190,000 (Proposition 1: Local roads, drainage, bridges and pedestrian access) – this amount is considered projected savings due to the issuance of a Certificate of Obligation in 2006 in lieu of the road bonds for the implementation of the Flint Rock road project.

c. November 2005 Bond Authorization

A citizens committee was established during FY 05 by the Commissioners Court to provide advice and counsel on a bond election in November, 2005. A total of \$150,875,000 in roads, parks, and jail projects was submitted to the voters in three separate propositions, with all three passing. The table below shows the amount of the original authorization and how much is scheduled to be issued in FY 09.

Project	Original Authorization	Issued Through 08	Proposed Issuance in 09	Remaining Authorization
Prop. 1: Roads, road-related drainage, right-of-way	\$65,225,000	\$50,870,000	\$6,980,000	\$7,375,000
Prop. 2: Parks and open space parkland	62,150,000	42,275,000	6,705,000	\$13,170,000
Prop. 3: Jail facility replacement beds and renovations	23,500,000	23,500,000	0	0
Total - November 2005 Bonds	\$150,875,000	\$116,645,000	\$13,685,000	\$20,545,000

2. FY 09 Certificates of Obligation

The amount of total debt proposed to be issued through Certificates of Obligation (COs) in FY 09 is \$16,885,000. This includes long-term COs related to the Jail Project of \$1.1 million as well as \$15.7 million in projects appropriate for short-term debt financing. Issuance costs are also included in the total at an estimated amount of \$87,549. The projects and equipment funded from Certificates of Obligation are listed in Appendix I.

VIII. RESERVES

There are three types of regularly budgeted reserves: (A) Unallocated Reserve, (B) Allocated Reserve, and (C) Capital Acquisition Resources (CAR) Account Reserve. There are also special departmental and countywide reserves established for a special purpose that do not necessarily remain in the budget from year-to-year.

A. Unallocated Reserve

The Unallocated Reserve is established as a buffer in case of a disaster or dire emergency. It is not dedicated for any specific expenditure and is sometimes called “the untouchable reserve.” The level of this reserve demonstrates the county’s fiscal soundness and influences the county’s bond rating.

The county’s bond and financial advisors have recommended that the county maintain an Unallocated Reserve level of between 8% and 12% for sound financial management. The Commissioners Court’s Financial and Budgeting Guidelines state the county’s goal for this reserve as between 10% and 12%. Since 1989 the Commissioners Court has maintained the Unallocated Reserve ratio at 11.0%. The total FY 09 General Fund Unallocated Reserve in the Preliminary Budget is \$40,091,458.

The Unallocated Reserve ratio calculation is based on budgeted expenditures (excluding transfers) in three funds: the General Fund, Debt Service Fund, and Road and Bridge Fund. Since FY 00, the General Fund Unallocated Reserve carries the majority of the unallocated reserve requirements for the Road and Bridge Fund. In addition, the transfers from the General Fund to the BCP Fund and the transfer from the Road and Bridge Fund to the General Fund have been removed from the base for calculating the Unallocated Reserve.

The historical reserve ratios (per Standard and Poor’s formula) showing the relationship between the Unallocated Reserve for the General Fund, Road and Bridge Fund, and Debt Service Fund and the adjusted expenses for these funds are contained in tables in Appendix I.

B. Allocated Reserve

The Allocated Reserve is dedicated to known or potential expenditures, and some or all of the reserve is likely to be spent during the year. There are potential claims against

this Allocated Reserve. These potential claims are called “Earmarks” and are signals to the Commissioners Court that a department may have a justified need for a mid-year transfer of resources to their budget for a specific purpose. The Earmarks are not appropriations and departments should not consider them as departmental resources. These Earmarks total \$1,751,838. A listing and summary of these proposed Earmarks against the Allocated Reserve is provided in Appendix I.

The FY 09 Preliminary Budget includes an Allocated Reserve of \$4 million which is slightly greater than the reserve level in FY 08 of \$3,615,763. The total of this reserve represents 0.91% of the General Fund.

C. Capital Acquisition Resources (CAR) Account Reserve

The Capital Acquisition Resources (CAR) Account Reserve is similar to the Allocated Reserve, but is instead used for one-time expenditures for capital items. It funds additional capital purchases or projects that are developed during the year or pays for cost increases in already approved capital projects. The Preliminary Budget includes a CAR reserve of \$514,598. The Earmarks against this reserve total \$125,000, as outlined in Appendix I.

D. Special Purpose Reserves

1. Annualization Reserve

An Annualization Reserve totaling \$2,084,478 is included in the Preliminary Budget. It contains the resources necessary to fund programs or initiatives that will be operational for less than 12 months in FY 09. This budget technique will avoid a “ratchet” of expenses in FY 10 when a full twelve months of funding will be necessary. Sometimes new positions begin after the beginning of the fiscal year, whether for programmatic reasons or due to space constraints. In addition, departments that receive a new position typically do not fill it for a few months, since posting, recruiting and selection processes take some time.

To recognize this phenomenon, most new positions added in this Preliminary Budget include nine months of funding provided inside the department and three months of funding in this Annualization Reserve, with the exception of 31.5 new positions related to opening Building 12 at the Travis County Correctional Complex (TCCC). The resources in this reserve will be available in the event that departments are able to fill positions more quickly and their budgets cannot absorb the difference.

Department	FY 10 Purpose	Amount
Sheriff's Office	31.5 positions for TCCC Building 12	\$1,160,708
Sheriff's Office	Utilities for Building 12	468,000
Sheriff's Office	County Court-at-Law #8 Staff	36,468
Juvenile Probation	Detention Buildout	406,685
TNR	Stormwater Management Plan Staffing	12,617
Total		\$2,084,478

2. Fuel and Utilities Reserve

A Reserve for expected fuel and utilities increases in the amount of \$1,108,121 in ongoing resources is included in the Preliminary Budget. This Reserve includes \$493,121 for expected fuel cost increases as described earlier in this document and \$615,000 for the projected opening of Building 12 at the Travis County Correctional Complex in June 2009. The building will be substantially complete in March 2009. This utility reserve includes utility costs for the period from March to June when the Building 12 systems will be tested.

3. Legally Mandated Attorney's Fees

PBO is also recommending a \$200,000 Reserve for Civil Courts Legally Mandated Attorney's Fees. The details of this reserve are discussed earlier in this document. In effect, the Reserve will allow Commissioners Court to weigh the programmatic as well as budgetary costs and benefits of three competing requests submitted by the Civil Courts with the department.

5. Central Campus Redevelopment Planning Reserve

The Commissioners Court has committed to develop a comprehensive plan for the redevelopment of the central government campus. The FY 09 Preliminary Budget includes a \$700,000 Planning Reserve that will be used to hire a consultant to develop such a plan. Because the ITS Data Center is located in the downtown redevelopment area and its future will be an important part of any redevelopment plan, consulting services to plan for the data center's near-term/long-term requirements are included in the Planning Reserve.

IX. PROPERTY TAX RATE

The total taxable value for all Travis County property has seen an increase from \$85.10 billion in the FY 08 Adopted Budget to \$95.27 billion for FY 09. This is the final amount certified by the Travis Central Appraisal District (TCAD). The following data, as well as the overall Preliminary Budget, is based on expected TCAD certified values.

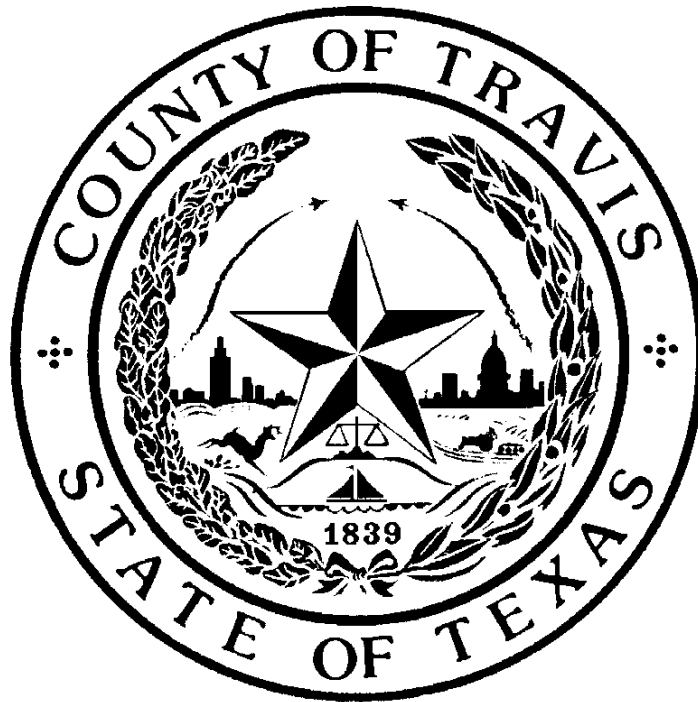
The new property value totals \$3.16 billion (excluding new construction value included in the Samsung and Domain rebate agreements), compared to new property value of \$3.26 billion in FY 08. The table below depicts the impact of the proposed tax rate of \$.4006 per \$100 of taxable value on the average residential homeowner declaring his or her house as a homestead. This rate is 2.1 cents below the current tax rate of \$.4216.

Impact on Average Homestead**(All homestead values per Travis Central Appraisal District as of July 24, 2008)**

	FY 08	FY 09	Difference
Average Appraised Value of All Homesteads	\$257,222	\$282,894	\$25,672
Taxable Value of Average Homestead	\$195,040	\$211,388	\$16,348
Tax Rate	\$.4216	\$.4006	(\$.0210)
Average Tax	\$822.29	\$846.82	\$24.53

Preliminary Budget Tax Rates For Travis County**(per \$100 of Appraised Value)**

	Adopted FY 08 Rate	Preliminary FY 09 Rate	Difference	% Change
Operating Rate	\$.3405	\$.3278	(\$.0127)	(3.73%)
Debt Service Rate	\$.0811	\$.0728	(\$.0083)	(10.23%)
Total Tax Rate	\$.4216	\$.4006	(\$.0210)	(4.98%)



APPENDIX I
FINANCIAL SUMMARIES & CHARTS

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APPENDIX II
AMENDED THIRD REVENUE ESTIMATE

10 ✓

Travis County Commissioners Court Agenda Request

Voting Session August 5, 2008
(Date)

Work Session _____
(Date)

I. Request:

Request made by: Alicia Perez, Executive Manager Phone # 854-9343
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney.

Requested text:

Review and approve the immediate release of reimbursement payment to United Health Care for claims paid for participants in the Travis County Employee Health Care Fund for payment of \$644,769.31, for the period of July 18, 2008 to July 24, 2008.

Approved by: _____
Signature of Commissioner or County Judge

II. Additional Information:

- A. Backup memorandum is attached.
- B. Affected agencies and officials.

Linda Moore-Smith	854-9170
Dan Mansour	854-9499
Susan Spataro	854-9125
Christian Smith	854-9465

III. Required Authorizations: Checked if applicable:

- _____ Planning and Budget Office (854-9106)
- _____ Human Resources Management Department (854-9165)
- _____ Purchasing Office (854-9700)
- _____ County Attorney's Office (854-9415)
- _____ County Auditor's Office (854-9125)

88 JUL 28 08 00 AM '08

TRAVIS COUNTY COMMISSIONERS COURT

TRAVIS COUNTY
RECOMMENDATION FOR TRANSFER OF FUNDS

DATE: August 5, 2008

TO: Members of the Travis County Commissioners Court

FROM: Dan Mansour, Risk Manager

COUNTY DEPT. Human Resources Management Department (HRMD)

DESCRIPTION: United Health Care (UHC) (The Third Party Administrator for Travis County's Hospital and Self Insurance Fund) has requested reimbursement for health care claims paid on behalf of Travis County employees and their dependents.

PERIOD OF PAYMENTS MADE: July 18, 2008 to July 24, 2008

REIMBURSEMENT REQUESTED FOR THIS PERIOD: \$644,769.31

HRMD RECOMMENDATION: The Director or Risk Manager has reviewed the reimbursement submitted and concurs with the findings of the audits by the Financial Analyst and the Benefits Contract Administrator and therefore recommends reimbursement of \$644,769.31.

Please see the attached reports for supporting detail information.

**TRAVIS COUNTY
HOSPITAL AND INSURANCE FUND
SUPPORTING DETAIL FOR THE
WEEKLY REIMBURSEMENT REQUEST TO
COMMISSIONERS COURT
FOR THE PAYMENT PERIOD
JULY 18, 2008 TO JULY 24, 2008**

-

- Page 1. Detailed Recommendation to Travis County Auditor for transfer of funds.**
- Page 2. Notification of amount of request from United Health Care (UHC).**
- Page 3. Last page of the UHC Check Register for the Week.**
- Page 4. List of payments deemed not reimbursable.**
- Page 5. Journal Entry for the reimbursement.**

TRAVIS COUNTY
RECOMMENDATION FOR TRANSFER OF FUNDS

DATE: August 5, 2008
 TO: Susan Spataro, County Auditor
 FROM: Dan Mansour, Risk Manager
 COUNTY DEPT. Human Resources Management Department (HRMD)

United Health Care (UHC) (Travis County's Third Party Administrator for our Self Insured Health Care Fund) has requested reimbursement for health care claim payments made on behalf of Travis County employees and their dependents as follows:

PERIOD OF PAYMENTS PAID:
 FROM: July 18, 2008
 TO: July 24, 2008

REIMBURSEMENT REQUESTED: \$ 644,769.31

SUPPORTING DETAIL FOR REIMBURSEMENT REQUESTED:

NOTIFICATION OF AMOUNT OF REQUEST FROM UHC*	\$ 1,230,783.79
LESS: REIMBURSEMENTS PREVIOUSLY APPROVED BY COMMISSIONERS COURT: July 29, 2008	\$ (586,014.65)
Adjust to balance per UHC	\$ 0.17
TOTAL REIMBURSEMENT REQUESTED BY UHC FOR THIS WEEK**:	\$ 644,769.31
PAYMENTS DEEMED NOT REIMBURSABLE	\$ -
TRANSFER OF FUNDS REQUESTED:	\$ 644,769.31

The claims have been audited for eligibility and all were eligible in the period covered by the claim.

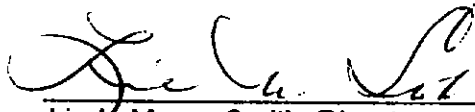
All claims over \$25,000 (1 this week totaling \$159,024.86) have been audited for data entry accuracy and the following information is correct for each claim audited: date of service, eligibility, nature of service, name of and amount billed by provider, amount billed by date and amount paid by UHC.

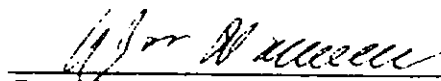
Fifteen percent (15%) of all claims under \$25,000 (\$73,636.03) have been audited for data entry accuracy and the following information is correct for each claim identified for this random review: date of service, eligibility, nature of service, name of and amount billed by provider, date and amount paid by UHC. Claims in this random audit met the above requirements but may qualify for more detailed analysis through other resources.

All claims have been reviewed to determine if they have exceeded the \$175,000 stop loss limit. For claims that have exceeded the limit, it has been verified that UHC has complied with the contract. This week credits for stop loss and other reimbursements totaled \$189,816.58.

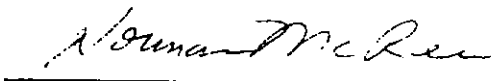
All claims submitted in this transfer have been audited to confirm accuracy of billing and legitimacy of claim under the service provisions of the health care contract and all are contractually legitimate, legally incurred and accurately billed claims.

I certify that all data listed on this recommendation for transfer of funds is correct and that the payments shown have been made solely for the purpose of health insurance claims.


 Linda Moore Smith, Director 7/28/08
 Date


 Dan Mansour, Risk Manager 7-28-08
 Date


 Cindy Purinton, Benefit Contract Administrator 7-23-08
 Date


 Norman McRee, Financial Analyst 7/25/08
 Date

** Agrees to the total payments for this period per the check register received from UHC. See the final page of this period's check register attached.

TO: NORMAN MCREE
 FAX NUMBER: (512) 854-3128
 PHONE: (512) 854-3828

FROM: UNITED HEALTH GROUP
 AB5

NOTIFICATION OF AMOUNT OF REQUEST FOR: TRAVIS COUNTY

DATE: 2008-07-25 REQUEST AMOUNT: \$1,230,783.79

CUSTOMER ID: 00000701254
 CONTRACT NUMBER: 00701254 00709445
 BANK ACCOUNT NUMBER: 0475012038
 FUNDING ABA NUMBER: 02 000021
 FREQUENCY: FRIDAY INITIATOR: CUST METHOD: ACH BASIS: BALANCE
 ADVICE FREQUENCY: DAILY

CALCULATION OF REQUEST AMOUNT

+ ENDING BANK ACCOUNT BALANCE FROM: 2008-07-24	\$ 44,334.20
- REQUIRED BALANCE TO BE MAINTAINED:	\$1,138,718.00
+ PRIOR DAY REQUEST:	\$00.00
= UNDER DEPOSIT:	\$1,194,383.80
+ CURRENT DAY NET CHARGE:	36,399.99
+ FUNDING ADJUSTMENTS:	\$00.00
REQUEST AMOUNT:	\$1,230,783.79

ACTIVITY FOR WORK DAY: 2008-07-18

CUST PLAN	CLAIM	NON CLAIM	NET CHARGE
0632	\$112,431.63	\$00.00	\$112,431.63
TOTAL:	\$112,431.63	\$00.00	\$112,431.63

ACTIVITY FOR WORK DAY: 2008-07-21

CUST PLAN	CLAIM	NON CLAIM	NET CHARGE
0632	\$459,088.08	\$00.00	\$459,088.08

UNITED HEALTHCARE CHECK REGISTER FOR TRAVIS COUNTY SUBMITTED 2008_07_24

CONTR_NBR	PLN_ID	TRANS_AMT	SRS_DESG_NBR	CHK_NBR	GRP_ID	CLM_ACCT_NBR	ISS_DT	TRANS_TYP_CD	TRANS_DT	WK_END_DT
701254	632	-149.98	NN	1762047	AH	8	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-158.78	NN	1721377	AH	8	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-169.98	NN	1756538	AA	1	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-196.89	NN	1706308	AH	7	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-207.71	NN	1771816	AH	1	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-209.44	NN	1790609	AH	1	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-410.69	NN	1709331	AH	5	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-434.73	NN	SSN0000CAL		0	7/15/2008	600	7/21/2008	7/24/2008
701254	632	-494	UU	7349321	AE	8	2/28/2008	50	7/23/2008	7/24/2008
701254	632	-624.96	NN	1790504	AH	8	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-892	UT	60214511	A	11	1/4/2008	50	7/21/2008	7/24/2008
701254	632	-1015.24	NN	1794717	AE	9	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-1339.15	NN	1151597	AE	5	7/24/2008	200	7/22/2008	7/24/2008
701254	632	-1360	NN	SSN0000CAL		0	7/15/2008	600	7/21/2008	7/24/2008
701254	632	-1753.39	UU	64116411	AI	3	7/17/2008	50	7/23/2008	7/24/2008
701254	632	-3153.67	NN	SSN0000CAL		0	7/21/2008	600	7/25/2008	7/24/2008
701254	632	-5342.21	NN	SSN0000CAL		0	7/16/2008	600	7/22/2008	7/24/2008
701254	632	-5835.23	NN	SSN0000CAL		0	7/21/2008	600	7/25/2008	7/24/2008
701254	632	-162124.86	NN	SSN0000CAL		0	7/17/2008	600	7/23/2008	7/24/2008

644,769.31

Travis County Hospital and Insurance Fund - County Employees UHC Payments Deemed Not Reimbursable

For the payment week ending: 07/24/2008

CONTR_#	TRANS_AMT	SRS	CHK_#	GRP	CLAIM ACCT#	ISS_DATE	TRANS CODE	TRANS_DATE
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Total: \$0.00

Travis County - Hospital and Self Insurance Fund (526)

Journal Entry for the Reimbursement to United Health Care

For the payment week ending: **7/24/2008**

TYPE	MEMBER TYPE	TRANS_AMT
CEPO		
	EE	
	526-1145-522.45-28	70,750.20
	RR	
	526-1145-522.45-29	6,187.29
Total CEPO		\$76,937.49
EPO		
	EE	
	526-1145-522.45-20	146,602.40
	RR	
	526-1145-522.45-21	45,270.17
Total EPO		\$191,872.57
PPO		
	EE	
	526-1145-522.45-25	331,898.59
	RR	
	526-1145-522.45-26	44,060.66
Total PPO		\$375,959.25
Grand Total		\$644,769.31

11

Travis County Commissioners Court Agenda Request

Voting Session 8/5/08
(Date)

Work Session _____
(Date)

I. Request made by:


Alicia Perez, Executive Manager, Administrative Operations Phone # 854-9343
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

Routine Personnel Actions

Approved by: _____
Signature of Commissioner(s) or County Judge

II. Additional Information

- A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (original and eight copies of request and backup).
- B. List all of the agencies or official names and telephone numbers that might be affected or be involved with the request. Send a copy of request and backup to each party listed.

III. Required Authorizations: Please check if applicable:

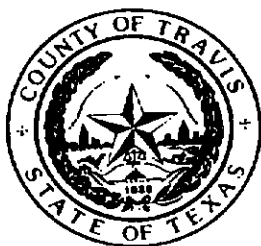
_____ Planning and Budget Office (854-9106)

_____ Human Resources Management Department (854-9165)

_____ Purchasing Office (854-9700)

_____ County Attorney's Office (854-9415)

_____ County Auditor's Office (854-9125)



Human Resources Management Department

1010 Lavaca Street, 2nd Floor • P.O. Box 1748 • Austin, Texas 78767 • (512) 854-9165 / FAX(512) 854-4203

August 5, 2008

ITEM # :

DATE: July 25, 2008

TO: Samuel T. Biscoe, County Judge
Ron Davis, Commissioner, Precinct 1
Sarah Eckhardt, Commissioner, Precinct 2
Gerald Daugherty, Commissioner, Precinct 3
Margaret Gomez, Commissioner, Precinct 4

VIA: Alicia Perez, Executive Manager, Administrative Operations

FROM: Linda Moore Smith, Director, HRMD *LS*

SUBJECT: Weekly Personnel Amendments

Attached are Personnel Amendments for Commissioners Court approval.

Routine Personnel Actions – Pages 2 – 9.

If you have any questions or comments, please contact me.

LMS/LAS/clr

Attachments

cc: Planning and Budget Department
County Auditor
County Auditor-Payroll (Certified copy)
County Clerk (Certified copy)

WEEKLY PERSONNEL AMENDMENTS -- ROUTINE

NEW HIRES					
Dept.	Slot	Position Title	Dept. Requests Level/Salary	HRMD Recommends Level/Salary	
Fac Mgmt	61	Groundskeeper*	7 / \$24,960.00	7 / \$24,960.00	
HHS	73	Planner	18 / Level 6 / \$48,796.80	18 / Level 6 / \$48,796.80	
JP Pct 3	17	Office Asst*	8 / Minimum / \$21,017.15	8 / Minimum / \$21,017.15	
Sheriff	81	Licensed Voc Nurse	15 / Midpoint / \$42,205.49	15 / Midpoint / \$42,205.49	
Sheriff	423	Cadet**	80 / Step 1 / \$33,750.91	80 / Step 1 / \$33,750.91	
Sheriff	1191	Cadet**	80 / Step 1 / \$33,750.91	80 / Step 1 / \$33,750.91	
TNR	231	Road Maint Worker	8 / \$27,060.80	8 / \$27,060.80	
TNR	288	Park Maint Worker*	7 / \$26,166.40	7 / \$26,166.40	
TNR	484	Road Maint Worker	8 / \$26,436.80	8 / \$26,436.80	
* Temporary to Regular ** Actual vs Authorized					

TEMPORARY APPOINTMENTS					
Dept.	Slot	Position Title	Dept. Requests Grade/Salary	HRMD Recommends Grade/Salary	**Temporary Status Type Code
JP Pct 2	20027	Office Asst	8 / \$10.10	8 / \$10.10	02
**Temporary Status Type Codes: (Temporary less than 6 mos. = 02) (Project Worker more than 6 mps. = 05, includes Retirement Benefits).					

CAREER LADDERS - POPS						
Dept.	Slot	Current Position Title/Grade	New Position Title/Grade	Current Annual Salary	Proposed Annual Salary	Comments Current HRMD Practice
Sheriff	520	Corrections Officer* / Grd 81	Corrections Officer Sr / Grd 83	\$38,737.92	\$42,107.10	Career Ladder. Peace Officer Pay Scale (POPS).
* Actual vs Authorized						

PROMOTIONS / SALARY ADJUSTMENTS / LATERAL TRANSFERS / VOLUNTARY REASSIGNMENTS / TEMPORARY ASSIGNMENTS				
Dept. (From)	Slot – Position Title – Grade – Salary	Dept. (To)	Slot – Position Title – Grade – Salary	Comments
Civil Courts	Slot 76 / Court Svs Mgmt Admin Crd / Grade 17 / \$45,000.00	Civil Courts	Slot 76 / Court Svs Mgmt Admin Crd / Grade 17 / \$46,440.00	Salary adjustment. Pay is between min and midpoint of pay grade.
County Clerk	Slot 103 / Recording Spec I / \$28,392.00	County Clerk	Slot 60006 / Elec Clk-Elc Cr Spc Pr Tmps / Grd 13 / \$29,501.26	Promotion. Pay is between min and midpoint of pay grade.
Criminal Justice Planning	Slot 2 / Exec Mgr – Justice & Pub Safety / Grd 32 / \$125,000.00	Criminal Justice Planning	Slot 2 / Exec Mgr – Justice & Pub Safety / Grd 32 / \$129,000.00	Salary adjustment approved by CC on 07/08/08 is between min and midpoint of pay grade.
Emergency Services	Slot 25 / Exec Mgr – Emergency Services Grd 32 / \$119,420.78	Emergency Services	Slot 25 / Exec Mgr – Emergency Services Grd 32 / \$123,420.78	Salary adjustment approved by CC on 07/08/08 is between min and midpoint of pay grade.
HHS	Slot 221 / Exec Mgr-HHS / Grd 32 / \$108,173.91	HHS	Slot 221 / Exec Mgr-HHS / Grd 32 / \$112,173.91	Salary adjustment approved by CC on 07/08/08 is between min and midpoint of pay grade.
ITS	Slot 73 / Exec Mgr-Admin Operations / Grd 32 / \$133,068.87	ITS	Slot 73 / Exec Mgr-Admin Operations / Grd 32 / \$137,068.87	Salary adjustment approved by CC on 07/08/08 is between min and midpoint of pay grade.
* Actual vs Authorized				

PROMOTIONS / SALARY ADJUSTMENTS / LATERAL TRANSFERS / VOLUNTARY REASSIGNMENTS / TEMPORARY ASSIGNMENTS				
Dept. (From)	Slot – Position Title – Grade – Salary	Dept. (To)	Slot – Position Title – Grade – Salary	Comments
ITS	Slot 75 / Planner / Mgmt / Res Spec Sr* / Grd 18 / \$60,003.30	Records Mang & Comm Resrc	Slot 2 / Records Svcs Mgr / Grd 20 / \$63,000.00	Promotion. Pay is between midpoint and max of pay grade.
Pretrial Services	Slot 75 / Pretrial Officer I* / Grd 13 / \$30,388.80	Pretrial Services	Slot 30 / Pretrial Officer I* / Grd 13 / \$30,388.80	Lateral transfer. Employee transferred to different slot, same position, same department, same pay grade, retains current pay.
Sheriff	Slot 624 / Administrative Assoc / Grd 14 / \$43,635.02	Criminal Justice Planning	Slot 45 / Administrative Assoc* / Grd 14 / \$43,635.02	Lateral transfer. Employee transferred to different slot, same position, different department, same pay grade, retains current pay.
TNR	Slot 1 / Exec Mgr – Trans & Nat Resc / Grd 32 / \$133,068.87	TNR	Slot 1 / Exec Mgr – Trans & Nat Resc / Grd 32 / \$137,068.87	Salary adjustment approved by CC on 7/8/08. Pay is between min and midpoint of pay grade.
* Actual vs Authorized				

AD HOC CLASSIFICATION CHANGE							
		Current			HRMD Recommends		
Dept.	Slot #	Auth Position Title / Position #	FLSA	Pay Grade	Position Title / Position #	FLSA	Pay Grade
Emergency Medical Service	TBA	--	--	--	Flight Nurse RN / 23XXX	NE	23
Emergency Medical Service	TBA	--	--	--	Flight Nurse RN / 23XXX	NE	23
Emergency Medical Service	TBA	--	--	--	Flight Paramedic / 21XXX	NE	21
Emergency Medical Service	TBA	--	--	--	Flight Paramedic / 21XXX	NE	21

Department requested in order to meet department's needs. PBO has confirmed funding available 10/01/08. See attached Job Descriptions.

BY ORDER OF THE COMMISSIONERS COURT, THE PRECEDING PERSONNEL AMENDMENTS ARE APPROVED.

Samuel T. Biscoe, County Judge

Ron Davis, Commissioner, Pct. 1

Sarah Eckhardt, Commissioner, Pct. 2

Gerald Daugherty, Commissioner, Pct. 3

Margaret Gomez, Commissioner, Pct. 4

Travis County Human Resources Management Department Job Description

Job Title: Flight Nurse RN

Job Code: 23XXX

Pay Grade: 23

Effective Date: 08/05/08

SUMMARY OF FUNCTION:

STAR Flight nurses provide medical care and transport to critically injured/ill patients, perform public-safety operations (search and rescue, aerial fire-fighting, law enforcement assistance) and promote education and safety throughout the *STAR Flight* response area.

DISTINGUISHING CHARACTERISTICS:

This is in a Medical series of job classifications. This classification requires a flexible work schedule to meet the needs of the department. Emergency operations require working under difficult conditions. Availability to work a rotating shift schedule consisting of 12 hour day and night shifts with minimal rest during work assignments. Works some holidays, nights and weekends.

EXAMPLES OF WORK PERFORMED:

- Assesses, plans treatment and administers care to critically injured/ill adult and pediatric patients.
- Documents patient assessments, treatment plans and outcomes of patients.
- Provides 100% quality assurance/improvement of patient care and documentation on all *STAR Flight* patients.
- Performs safety-sensitive functions such as assisting with navigation, radio communication, obstacle/aircraft avoidance and coordination of landing zones and other flight-related duties as assigned flight crew members as outlined in FAR Part 135 by the Federal Aviation Administration; and as an employee performing a safety-sensitive function, would be subject to the FAA mandated Anti-Drug and Alcohol Misuse Prevention Program.
- Provides patient care follow-up for internal and external customers by consulting with hospital RN and MDs.
- Represents *STAR Flight* and coordinates public relations events and educational in-services for Travis County and surrounding service area.
- Maintains proficiency and evaluates risk/benefit of rescue operations in helicopter and ground rescue.
- Directs/educates colleagues on medical and trauma scenes to achieve maximum effectiveness.
- Maintains mission readiness by daily inspection of personal and helicopter medical and rescue equipment as well as studying medical and rescue information.
- Completes special projects as assigned; includes preparing educational in-services, researching new medical equipment, rescue equipment, development of *STAR Flight*-specific protocols for medical and rescue environment.
- Performs other job-related duties as assigned.

QUALIFICATION REQUIREMENTS:**Education and experience:**

Graduation from an accredited school of nursing AND a minimum of 3 years experience as an RN in a critical-care area i.e. ED, ICU, CCU, PICU or flight nursing. Must meet physical ability/strength standards established by Travis County for the *STAR Flight* Program. Must meet minimum physical fitness requirements established by Travis County for the *STAR Flight* Program.

Licenses and Certifications:

- Current license to practice as a Registered Nurse in the State of Texas.
- Current certification Basic Cardiac Life Support and Advanced Cardiac Life Support.
- Current certification Pre-Hospital Trauma Life Support (or equivalent).
- Current and valid Texas Driver's License.

Preferred:

- Previous rotor or fixed-wing flight experience.
- Pre-hospital experience.
- Experience in a Level I or Level II trauma center.
- Possess or meet Texas Department of State Health Services requirements for Emergency Care Attendant, Emergency Medical Technician or Paramedic Certification or Licensure.
- National Registry of Emergency Medical Technician or Paramedic.
- Pediatric Advanced Life Support (or equivalent).
- Advanced Trauma Life Support/Trauma Nurse Advanced Trauma Course.
- Neonatal Resuscitation Program.
- Current Certified Emergency Nurse, Critical Care Registered Nurse, or Certified Flight Registered Nurse.
- Bilingual oral proficiency in English/Spanish.

Travis County Human Resources Management Department Job Description

Job Title: Flight Nurse RN

Job Code: 23XXX

Pay Grade: 23

Effective Date: 08/05/08

QUALIFICATION REQUIREMENTS: (Cont.)

Preferred: (Cont.)

- Training in and understanding of Incident Command principles.
- Demonstrated proficiency in Low to High Angle and Swift Water Rescue techniques.
- Helicopter rescue experience.

Special Requirements:

- Letter of support from Medical Director(s) or direct supervisor.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of:

- Appropriate response to emergency situations.
- Policies, practices, procedures and terminology of assigned function.
- Federal, State, Local, and County applicable laws, rules and regulations, codes, and guidelines.
- State and Federal regulatory or administrative requirements and practices.
- Computer equipment to include word processing, windows, spreadsheets and databases.
- Business letter writing, grammar and punctuation and report preparation.

Skill in:

- Meeting emergencies.
- Problem solving and decision-making.
- Both verbal and written communication.
- Using automated systems and computer software including word processing, spreadsheets, databases, presentation and related software applications.

Ability to:

- Meet physical ability/strength standards established by Travis County for the **STAR Flight Program**.
- Meet minimum physical fitness requirements established by Travis County for the **STAR Flight Program**.
- Demonstrate the principles and practices of pre-hospital emergency medical care.
- Direct colleagues on medical and trauma scenes to achieve maximum group effectiveness.
- Demonstrate exceptional interpersonal skills while working in a stressful environment.
- Establish and maintain effective working relationships with Austin-Travis County EMS System first responders, EMTs, paramedics, nurses, physicians and other ancillary personnel.
- Provide service that meets the values, vision and customer service commitment of the **STAR Flight program**.
- Establish and maintain effective working relationships with regional pre-hospital and hospital care providers.
- Demonstrate the principles and practices of technical rescue in swiftwater, low-to-high angle and helicopter rescue environments.

PHYSICAL/ENVIRONMENTAL FACTORS:

Physical requirements include meeting physical ability/strength standards outlined above; visual acuity, speech and hearing; hand and eye coordination and manual dexterity necessary to operate a computer and office equipment. Subject to standing, walking, climbing, crawling, lifting, carrying, bending, stooping, crouching, kneeling, pushing, pulling, reaching, twisting, balancing, repetitive motion, squatting to perform the essential functions. Subject to contact with dust, dangerous machinery, noise, fumes, potential harm, vibration, communicable diseases, and hazardous chemicals.

WWC: 8832	EEO Function: 08	EEO Category: 02	FLSA Code: NE
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This description is intended to be generic in nature. It is not necessarily an exhaustive list of all duties performed and responsibilities required. It does not imply that all positions within the classification perform all of the duties listed, nor does it necessarily list all possible job-related duties that may be assigned.

Travis County Human Resources Management Department

Job Description

Job Title: Flight Paramedic**Job Code: 21XXX****Pay Grade: 21****Effective Date: 08/05/08****SUMMARY OF FUNCTION:**

STAR Flight paramedics provide medical care and transport to critically injured/ill patients, perform public-safety operations (search and rescue, aerial fire-fighting, law enforcement assistance) and promote education and safety throughout the *STAR Flight* response area.

DISTINGUISHING CHARACTERISTICS:

This is in a Medical series of job classifications. This classification requires a flexible work schedule to meet the needs of the department. Emergency operations require working under difficult conditions. Availability to work a rotating shift schedule consisting of 12 hour day and night shifts with minimal rest during work assignments. Works some holidays, nights and weekends.

EXAMPLES OF WORK PERFORMED:

- Assesses, plans treatment and administers care to critically injured/ill adult and pediatric patients.
- Documents patient assessments, treatment plans and outcomes of patients.
- Provides 100% quality assurance/improvement of patient care and documentation on all *STAR Flight* patients.
- Performs safety-sensitive functions such as assisting with navigation, radio communication, obstacle/aircraft avoidance and coordination of landing zones and other flight-related duties as assigned flight crew members as outlined in FAR Part 135 by the Federal Aviation Administration; and as an employee performing a safety-sensitive function, would be subject to the FAA mandated Anti-Drug and Alcohol Misuse Prevention Program.
- Provides patient care follow-up for internal and external customers by consulting with hospital RN and MDs.
- Represents *STAR Flight* and coordinates public relations events and educational in-services for Travis County and surrounding service area.
- Maintains proficiency and evaluates risk/benefit of rescue operations in helicopter and ground rescue.
- Directs/educates colleagues on medical and trauma scenes to achieve maximum effectiveness.
- Maintains mission readiness by daily inspection of personal and helicopter medical and rescue equipment as well as studying medical and rescue information.
- Completes special projects as assigned; includes preparing educational in-services, researching new medical equipment, rescue equipment, development of *STAR Flight*-specific protocols for medical and rescue environment.
- Performs other job-related duties as assigned.

QUALIFICATION REQUIREMENTS:**Education and experience equivalent to:**

Completion of thirty (30) semester hours of college plus two (2) years as a full-time ALS provider in an urban 911 system. One (1) additional year experience as specified above may substitute for the required college course work. Must meet physical ability/strength standards established by Travis County for the *STAR Flight* Program. Must meet minimum physical fitness requirements established by Travis County for the *STAR Flight* Program.

Licenses and Certifications:

- Texas Department of State Health Services Paramedic Certification or Licensure.
Or
- National Registry of Emergency Medical Technician-Paramedic.
- Current certification Basic Cardiac Life Support and Advanced Cardiac Life Support.
- Current certification Pre-Hospital Trauma Life Support (or equivalent).
- Current and valid Texas Driver's License.

Preferred:

- Previous rotor or fixed-wing flight experience.
- Critical Care experience.
- Pediatric Advanced Life Support (or equivalent)
- Advanced Trauma Life Support/Trauma Nurse Advanced Trauma Course.
- Neonatal Resuscitation Program.
- Current Flight Paramedic Certified.
- Training in and understanding of Incident Command principles.
- Demonstrated proficiency in Low to High Angle and Swift Water Rescue techniques.
- Helicopter rescue experience.
- Bilingual oral proficiency in English/Spanish.

Travis County Human Resources Management Department Job Description

Job Title: Flight Paramedic

Job Code: 21XXX

Pay Grade: 21

Effective Date: 08/05/08

Special Requirements:

- Letter of support from Medical Director(s) or direct supervisor.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of:

- Appropriate response to emergency situations.
- Policies, practices, procedures and terminology of assigned function.
- Federal, State, Local, and County applicable laws, rules and regulations, codes, and guidelines.
- State and Federal regulatory or administrative requirements and practices.
- Computer equipment to include word processing, windows, spreadsheets and databases.
- Business letter writing, grammar and punctuation and report preparation.

Skill in:

- Meeting emergencies.
- Problem solving and decision-making.
- Both verbal and written communication.
- Using automated systems and computer software including word processing, spreadsheets, databases, presentation and related software applications.

Ability to:

- Meet physical ability/strength standards established by Travis County for the *STAR Flight Program*.
- Meet minimum physical fitness requirements established by Travis County for the *STAR Flight Program*.
- Demonstrate the principles and practices of pre-hospital emergency medical care.
- Direct colleagues on medical and trauma scenes to achieve maximum group effectiveness.
- Demonstrate exceptional interpersonal skills while working in a stressful environment.
- Establish and maintain effective working relationships with Austin-Travis County EMS System first responders, EMTs, paramedics, nurses, physicians and other ancillary personnel.
- Provide service that meets the values, vision and customer service commitment of the *STAR Flight program*.
- Establish and maintain effective working relationships with regional pre-hospital and hospital care providers.
- Demonstrate the principles and practices of technical rescue in swiftwater, low-to-high angle and helicopter rescue environments.

PHYSICAL/ENVIRONMENTAL FACTORS:

Physical requirements include meeting physical ability/strength standards outlined above; visual acuity, speech and hearing; hand and eye coordination and manual dexterity necessary to operate a computer and office equipment. Subject to standing, walking, climbing, crawling, lifting, carrying, bending, stooping, crouching, kneeling, pushing, pulling, reaching, twisting, balancing, repetitive motion, squatting to perform the essential functions. Subject to contact with dust, dangerous machinery, noise, fumes, potential harm, vibration, communicable diseases, and hazardous chemicals.

WWC: 8832	EEO Function: 08	EEO Category: 05	FLSA Code: NE
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This description is intended to be generic in nature. It is not necessarily an exhaustive list of all duties performed and responsibilities required. It does not imply that all positions within the classification perform all of the duties listed, nor does it necessarily list all possible job-related duties that may be assigned.

12 ✓

TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Voting Session: Tuesday, August 5, 2008

I. A. Request made by: Alicia Perez, ^(P) Exec. Mgr. Phone #: 854-9343
(Elected Official/Appointed Official/Executive Manager/County Attorney)

B. Requested topic: **CONSIDER AND TAKE APPROPRIATE ACTION ON
RECOMMENDED FISCAL YEAR 2009 COMPENSATION ITEMS:**

A. COST OF LIVING INCREASE;

B. FISCAL YEAR 2008 MARKET SALARY SURVEY:

**1. SLOTS BELOW MINIMUM OF THE NEW MARKET COMPETITIVE
PAY GRADE;**

2. APPROPRIATE MARKET ADJUSTMENT.

C. LIVABLE WAGE INCREASE FROM \$10 TO \$11 PER HOUR;

D. BILINGUAL SUPPLEMENTAL PAY;

E. SEASONAL/RELIEF TEMPORARY TITLES AND HOURLY PAY RATES;

F. NON-TCSO PEACE OFFICER PAY SCALE:

**1. WHETHER TO ESTABLISH INTERNAL EQUITY RELATIONSHIP
BETWEEN TCSO AND NON-TCSO PEACE OFFICERS JOB
CLASSIFICATIONS;**

**2. ADD PAY FOR PARK RANGERS THAT POSSESS ACTIVE EMT
CERTIFICATION.**

G. OTHER RELATED COMPENSATION ITEMS

C. Approved by: _____
Signature of Commissioner or Judge

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II. A. Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies).

B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

FY 2009 WORKFORCE INVESTMENT PREFERENCE SHEET

Percent (%) of Annual Salary and Flat dollar amount for employees earning less than \$30,000

A. COST OF LIVING ADJUSTMENT

Page 2

COLA OPTIONS:

FY09 Estimated Costs

- ① 3% across the board \$4,642,704
- ② 3.5% across the board \$5,416,489
- ③ In addition to a COLA, a one-time lump sum
 - A. 1% \$1,536,762
 - B. 2% \$3,073,524

B. MARKET SALARY SURVEY

FY09 Estimated Cost

- ① Green Circle (bring positions to minimum of new pay grade)
Page 3
 YES NO \$ 660,076

- ② Market Adjustment Options
Pages 3 – 5

A: Using same Market Adjustment Matrix used in FY08
Page 6 Column A \$ 518,443

B1: Increase Matrix Percentages FY 2008 \$1,013,639
Page 6 Column B

B2: Include FY 2006 & FY 2007 MSS Families
FY 2006 \$ 475,428
FY 2007 \$ 505,347

C: Use Compa-Ratio Methodology
Page 6
FY 2008 \$4,547,646
FY 2007 \$ TBD
FY 2006 \$ TBD

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C. LIVABLE WAGE INCREASE FROM \$10 TO \$11 PER HOUR COST
Page 7 YES NO \$ 9,534

D. BILINGUAL SUPPLEMENTAL PAY
Page 8 YES NO \$ 5,980
(testing only)

E. SEASONAL/RELIEF TEMPORARY TITLES AND HOURLY PAY RATES
Page 8 - 9 YES NO \$ 383,766

F. NON-TCSO PEACE OFFICER PAY SCALE

1. ESTABLISH INTERNAL EQUITY RELATIONSHIP BETWEEN TCSO AND NON-TCSO PEACE OFFICERS JOB CLASSIFICATIONS

Pages 9 - 12 YES NO

OPTIONS FOR IMPLEMENTATION:

A. ONE YEAR \$ 915,279
B. TWO YEAR \$ 537,586
C. THREE YEAR \$ 396,818

2. ADD PAY FOR PARK RANGERS THAT POSSESS ACTIVE EMERGENCY MEDICAL TECHNICIAN BASIC CERTIFICATION

Page 11 YES NO \$ 24,000

*Cost may vary depending on implementation methodology.

G. OTHER RELATED COMPENSATION ITEMS

Page 13
1. Performance Based Pay \$2,305,143

1.5% for PBP, Or

1.5% for PBP, Salary Adjustments, Department Flexibility



Human Resources Management Department

1010 Lavaca, 2nd Floor

• P.O. Box 1748

• Austin, Texas 78767

• (512) 854-9165 / FAX (512) 854-4203

MEMORANDUM

DATE: August 5, 2008

TO: Members of the Commissioners Court

FROM: Alicia Perez, Executive Manager, Administrative Operations
Linda Moore Smith, Director, Human Resources Management Department

SUBJECT: FY 2009 Compensation Items

PROPOSED MOTIONS

CONSIDER AND TAKE APPROPRIATE ACTION ON FY 2009 COMPENSATION ITEMS:

- A. COST OF LIVING (COLA) ADJUSTMENT;
- B. FISCAL YEAR 2008 MARKET SALARY SURVEY:
 1. SLOTS BELOW MINIMUM OF THE NEW MARKET COMPETITIVE PAY GRADE;
 2. APPROPRIATE MARKET ADJUSTMENT.
- C. LIVABLE WAGE INCREASE FROM \$10 TO \$11 PER HOUR;
- D. BILINGUAL SUPPLEMENTAL PAY;
- E. SEASONAL/RELIEF TEMPORARY TITLES AND HOURLY PAY RATES
- F. NON-TCSO PEACE OFFICER PAY SCALE
 1. WHETHER TO ESTABLISH INTERNAL EQUITY RELATIONSHIP BETWEEN TCSO AND NON-TCSO PEACE OFFICER JOB CLASSIFICATIONS;
 2. ADD PAY FOR PARK RANGERS THAT POSSESS ACTIVE EMT B CERTIFICATION.
- G. OTHER RELATED COMPENSATION ITEMS

MOTION A. COST OF LIVING ADJUSTMENT (COLA)

COLA Includes: a) Percent (%) of Annual Salary and b) Flat dollar amount for employees earning less than \$30,000

Soaring prices in the cost of fuel, groceries and other consumable goods have all contributed to the increase in the cost of living for Travis County Employees. Annual inflation as measured by the Consumer Price Index (CPI), hit a 17-year high of 5% in June, 2008 (source: Wall Street Journal). A cost of living adjustment (COLA) has been a means by which the Commissioners Court provided employees an across the board pay increase to help keep up with the cost of living in Travis County. COLA allocations have been provided in the last five years as follows:

FY 08	3.5%	FY 07	4%	FY 06	3%	FY 05	4%	FY 04	0%
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The cost for a COLA will vary depending on the implementation methodology directed by the Commissioners Court. Last year the Court requested implementation of pay adjustments as follows:

- Step 1 – Green-Circled Slot Adjustment (bring position up to minimum of new pay grade)
- Step 2 - Apply market adjustment matrix pay
- Step 3 - Apply COLA

This method of addressing market adjustment and then COLA maximized the employees' movement across the pay range. In previous years the COLA pay adjustment had been applied first, resulting in the reduction of funding needed for the Green-Circled Slot Adjustment.

The costs presented to the Court today are estimates that will become more precise with increased direction from the Court.

Staff has spoken with members of the Court as well as other officials and department heads to develop options for the Court to consider. The following are options and estimated costs for an FY09 Cost of Living Adjustment. Across the board COLA increases provide for a percentage of annual salary and flat dollar amount for employees earning less than \$30,000.

COLA OPTIONS	FY 09 ESTIMATED COST
1. 3 % Added to Base Salary (All FTEs)	4,642,704
2. 3.5 % Added to Base Salary (All FTEs)	5,416,489

In addition the Commissioners Court could consider a one time lump sum COLA of:	
A. 1%	1,536,762
B. 2%	3,073,524

MOTION B. FISCAL YEAR 2008 MARKET SALARY SURVEY

B. 1. GREEN-CIRCLED SLOTS BELOW MINIMUM OF THE NEW MARKET COMPETITIVE PAY GRADE

	Slots	General Fund w/ Benefits	Other Funds w/ Benefits	TOTAL
FISCAL IMPACT	256	660,076	141,096	801,172

The FY 08 Job Analysis Project resulted in 256 Green-Circled Slots that are currently below minimum of the new market competitive pay grade. Funding these Slots to at least minimum of the new market competitive pay grade would facilitate efforts to recruit and retain employees with the requisite level of knowledge, skills, abilities and experiences.

The Commissioners Court has established precedent for funding Green-Circled Slots in Years 1 and 2 of the current 3-year Classification and Compensation Strategic Plan Cycle.

B. 2. MARKET ADJUSTMENT OPTIONS (at current matrix %)

	Slots	General Fund w/ Benefits	Other Funds w/ Benefits	Total
FISCAL IMPACT	647	518,443	109,881	628,324

The FY 08 Job Analysis Project resulted in 647 Slots for which a market adjustment should be considered. Market adjustments are recommended for the following reasons

- Advances the value of the job to its midpoint market competitive value
- Minimizes clustering of incumbents at minimum of the new pay grade
- Acknowledges value of incumbents' skill sets, years of experience
- Minimizes compression that would result from funding at pay grade minimum
- Minimizes recruitment and retention concerns

There are various methods of implementing a Market Salary Survey (MSS), including using a Market Adjustment Matrix or implementing at Compa – ratio.

Both the Market Adjustment Matrix and Compa - ratio are sound compensation methods to implement the results of a FY 08 Job Analysis Project. The method applied is generally based on policy decisions driven by affordability.

The *Matrix method*, which is applied after positions are adjusted to minimum of new market competitive pay grade levels, places greater emphasis on the market value of the job rather than years of experience, skill sets, and pay range progression. It was first implemented in FY 08 to acknowledge the impact that funding to minimum of the new market competitive pay grades had on the ability of departments to recruit, retain employees and address compression issues.

The *Compa - ratio method* considers both the market value of the job, years of experience, and pay range progression based on an individual's previous salary adjustments including performance pay and cost-of-living.

A recent survey of major employers revealed that their organizations conduct market salary studies on a cyclical or on an ad hoc basis. None of the employers surveyed used the Compa – ratio implementation method. The reason cited is affordability.

See Examples Attachment A
Provides Comparisons of Implementation of Matrix and Compa-ratio Methods

Current Matrix Implementation Method

In FY 08 the Commissioners Court established precedent for funding a General Market Adjustment based on a Matrix Method. The Matrix allows for percentage increases beginning at 1%, 1.5%, 2%, etc. for each pay grade for which the position moved up, as represented on the next page. Column A. is the current percent (%) assigned per pay grade movement, column B. is an alternative that increases the percent (%) amount per pay grade, C. is the Compa-ratio.

If alternative "B" or "C" is selected, an inconsistency is created compared to implementation of MSS 06 and MSS 07, the first two years of the 3-year Compensation and Classification Strategic Cycle. Such an inconsistency may be perceived as inequitable and result in an adverse impact on job satisfaction for employees in FY 06 and FY 07 job families.

HRMD recommends that if the Commissioners Court chooses a market adjustment method that differs from the FY 08 Market Adjustment Matrix percentages that consideration be given to making appropriate adjustments to fund FY 06 and FY 07 market salary results.

A. **FY 08 Matrix %** ***B.** **Alternate Matrix %** ****C.** **Compa - ratio is the ratio of an actual pay rate to the midpoint for the pay range**

Pay Grades	FY 08 Matrix %	Alternate Matrix %	Compa - ratio
+1	1.00	2.00	NA
+2	1.50	3.00	NA
+3	2.00	4.00	NA
+4	2.50	5.00	NA
+5	3.00	6.00	NA

Example 3 – Matrix and Compa -Ratio Market Adjustment Alternative Costing Estimates

Matrix Adjustment	A. FY 08 Matrix %	B. Alternate Matrix %	C. Compa - ratio
FY 08	518,443	1,013,639	4,547,646
FY 07		475,428	\$ TBD
FY 06		505,347	\$ TBD
Slots Below Min	660,076	660,076	\$0
Total Cost	1,178,519	2,654,490	4,547,646

MOTION C. LIVABLE WAGE RATE FROM \$10 TO \$11 PER HOUR

\$9,534 = FISCAL IMPACT

The Travis County Livable Wage Rate has been \$10.00 per hour since FY 05. The prevailing Livable Wage Rate for other local area comparable organizations, e.g. City of Austin and UT Austin, is approximately \$11.00 per hour.

Pay Grades 4 thru 9	Regular Slots	General Fund w/Benefits	Other Funds w/Benefits	Total
11.00	6	9,534	0	9,534

MOTION D. BILINGUAL SUPPLEMENTAL PAY

\$5,980 – FISCAL IMPACT
(\$65 Proficiency Test Fee x 2 FTE x 46 Departments)

It is proposed that the County pays the \$65 Spanish Oral Proficiency Skills Test fee for a maximum of two FTE per department. Supplemental pay of \$75 per month (\$37.50 per pay period) per FTE would be internally funded by each participating department.

Eligibility criteria would require that full and part-time employees regularly communicate in Spanish (public and employees) in the performance of their daily job responsibilities.

Departments may internally fund the test fee and supplemental pay for additional employees who meet the eligibility criteria.

MOTION E. SEASONAL/RELIEF TEMP TITLES & HOURLY PAY RATES

\$383,766 = FISCAL IMPACT

Departments have experienced recruitment and retention challenges among the temporary and seasonal relief job titles identified below. Internal equity and comparability of job content, duties and responsibilities resulted in consolidating the current two levels of School Crossing Guard into one level. The Interpreter title increased from 5 to 6 levels in accordance with legislated requirements.

	Slots	General Fund w/ Benefits	Other Funds w/ Benefits	TOTAL
A. Park Tech I and II	75	189,742	0	189,742
B. School Crossing	43	20,745	0	20,745
C. Elections (12 Titles)	2,276	149,344	144,692	294,036
D. Interpreter (6 Titles)	26	23,935	0	23,935
Total	2,420	383,766	144,692	528,458

See Attachment B for details.

MOTION F. NON-TCSO PEACE OFFICER PAY SCALE

(Evergreen Solutions, LLC – Compensation Analysis Recommendations)

\$939,279 – FISCAL IMPACT
-one year implementation

The Commissioners Court authorized an analysis of Non-TCSO law enforcement classifications included on the Peace Officer Pay Scale (POPS). The purpose of the study was to establish the proper internal equity relationships between law enforcement job classifications within TCSO and those law enforcement job classifications on POPS that are not located within TCSO.

F. 1. WHETHER TO ESTABLISH INTERNAL EQUITY RELATIONSHIP BETWEEN TCSO AND NON-TCSO PEACE OFFICERS JOB CLASSIFICATIONS

See Evergreen Solutions, LLC Report on Law Enforcement Compensation Analysis for Non-TCSO POPS Employees, May 2008.

Attachment C

NON-TCSO TITLES	INTERNAL EQUITY ALIGNMENT
Deputy Constable	95% of Law Enforcement Deputy at TCSO
Senior Deputy Constable	95% of Senior Law Enforcement Deputy at TCSO
Constable Sergeant	95% of Law Enforcement Sergeant at TCSO
Chief Deputy Constable	90% of Law Enforcement Lieutenant at TCSO
Chief Deputy Constable (Precinct 5)	10% above Chief Deputy Constable
Park Ranger	95% of Law Enforcement Deputy at TCSO
Park Ranger Sr.	95% of Law Enforcement Deputy Sr. at TCSO
Park Ranger Supervisor	85% of Chief Park Ranger
Chief Park Ranger	95% of Law Enforcement Sergeant at TCSO
Investigator	100% of Law Enforcement Detective at TCSO
Investigator Lieutenant	90% of Law Enforcement Lieutenant at TCSO

SALARIES w/ Benefits	FY 09	FY 10	FY 11	*EMT B Add Pay	Total Cost
One Year Option	\$915,279	-----	-----	24,000	939,279
Two Year Option	537,586	377,693	-----	24,000	939,279
Three Year Option	396,810	269,550	248,919	24,000	939,279

F. 2. ADD PAY FOR PARK RANGERS THAT POSSESS ACTIVE EMT B CERTIFICATION

Evergreen Solutions, LLC Recommendation #7 - Commissioners Court should establish a \$125 monthly add pay for all employees within the Park Ranger series within TNR that possess active EMT B certification.

Justification: Currently, prospective Park Rangers are required to have EMT B certification prior to County employment. Evergreen Solutions believes that this requirement is an obstacle to recruitment and should be waived prior to hire. Travis County's primary local competitors (City of Austin and LCRA) provide an add pay for EMT certification and the requirement is a legitimate one given the emergency response responsibilities of the Park Rangers within the County parks. TNR should be given the flexibility to hire employees into the Park Ranger service who do not yet have EMT B certification. However, employees should be given one year from date of hire to achieve the required EMT B certification. Those employees that fail to meet this requirement within one year should be terminated. The addition of the add pay and the increased flexibility should help the County improve its competitive posture at entry level and improve the overall retention of Park Ranger positions.

Non-TCSO Law Enforcement Compensation Analysis Recommendations 1 through 10

NON-TCSO PEACE OFFICERS	
LAW ENFORCEMENT COMPENSATION ANALYSIS - SUMMARY OF RECOMMENDATIONS	
1	<i>Commissioners Court should adopt the internal equity relationship matrix as shown in Table 4-1. Internal Equity Matrix</i>
2	<i>Commissioners Court should not establish the title of Constable Corporal on POPS.</i>
3	<i>Commissioners Court should not establish the title of Constable Lieutenant on POPS at this time.</i>
4	<i>Commissioners Court should establish a policy whereby the title of Constable Lieutenant should be made available to the Constables' Offices once they have reached 30 sworn officers. At that time, slot the Constable Lieutenant job classification at 90% of Law Enforcement Lieutenant pay and slot the Chief Deputy Constable at 90% of Law Enforcement Captain pay.</i>
5	<i>Commissioners Court should not establish the title of Park Ranger Cadet on POPS</i>
6	<i>Commissioners Court should establish the title of Senior Park Ranger on POPS and compensate this title at 95% of Law Enforcement Deputy pay.</i>
7	<i>Commissioners Court should establish a \$125 monthly add pay for all employees within the Park Ranger series within TNR that possess active EMT B certification.</i>
8	<i>Commissioners Court should waive the EMT B certification for prospective employees with the Park Ranger series. Employees within the Park Ranger series should be given one year to attain EMT B certification. Those employees within the Park Ranger series that do not attain EMT B certification should be terminated.</i>
9	<i>Should Commissioners Court approve reincorporation of Constable Office 2 to POPS, Constable Corporals should be reclassified to Senior Deputy Constables and Constables Lieutenants should be reclassified to Constable Sergeants.</i>
10	<i>Upon the adoption and implementation of the internal equity relationships established in Recommendations 1-9, Commissioners Court should adopt a formal compensation policy that keeps the internal equity relationships established in place for all non-TCSO POPS job classifications.</i>

MOTION G. OTHER RELATED COMPENSATION ITEMS

G. 1. PERFORMANCE BASED PAY = Fiscal Impact \$2,305,143

In keeping with the Travis County Compensation Philosophy, Performance Based Pay (PBP) is an effective method of rewarding and retaining high achievers and encouraging continued and/or improved performance. For over a decade, the Commissioners Court has had a commitment to providing performance based pay as an incentive for employees to strive for continual high levels of performance. PBP also serves as a recruitment tool for recruiting applicants who are committed to high performance. Providing funding for PBP allows departments the flexibility to recruit, reward and retain high performing employees. Providing funding and flexibility to administer and address other compensation issues e.g., equity, compressions, retention is also a method of allocating that allows managers to address other issues.

- **1.5% Performance Based Pay, only**

Or,

- **1.5% Performance Based Pay, Salary Adjustments, Department Level Flexibility**

COMPARISON OF MARKET ADJUSTMENTS

Example A -- Market Adjustment Matrix

	Pay Grade	Level (Step)	Salary
a. Current Pay Grade, Level	14	3	34,403.20
b. New Pay Grade	16	Minimum	36,121.07
c. Green-Circled Adjustment	16		1,717.87
d. Matrix @ 2 Pay Grades = 1.5%	14 to 16		541.81
e. New Salary (a + c+ d)	16	Between Min & Level 1	36,662.88
f. MATRIX METHOD COST	16		2,259.68

Example B -- Compa - Ratio Market Adjustments

	Pay Grade	Level (Step)	Salary
Current Pay Grade, Level	14	3	34,403.20
New Pay Grade, Level I	16	3	39,374.40
COMPA - RATIO METHOD COST			4,971.20

A. Park Techs

- Park Tech I - Increase current hourly rate from \$10.00 to \$13.00
- Park Tech II - Increase current hourly rate from \$11.00 to \$14.00

B. School Crossing Guard

Internal equity and comparability of job content, duties and responsibilities resulted in consolidating the current two levels of School Crossing Guard into one level.

- School Crossing Guard – Consolidate Levels I and II
- School Crossing Guard - Create one level and hourly rate of \$13.00

C. Elections Workers

Title	Current	Proposed
Election Day Clerk	9.00	10.00
Election Day Judge	10.00	12.00
Election Voting Clerk	9.00	10.00
Early Voting Deputy	10.00	12.00
Election Clerk I	9.00	10.00
Election Clerk II	10.00	12.00
Election Clerk III	12.00	14.00
Election Clerk IV	13.00	16.00
Election Clerk V	15.00	18.00

Special Project Temps – Elections Coordinator Special Project

Title	Current	Proposed
Special Project Election Coordinator	Min = 13.77	Min = 16.23
	Mid = 16.53	Mid = 20.29
	Max = 19.28	Max = 24.34
Special Project Election Business Analyst I	NA	Min = 24.35
		Mid = 30.44
		Max = 36.53

D. Interpreters

Job Title	Current	Proposed
Interpreter Sign Language I	\$18.00* + \$26.02**	\$20.00* + \$30.00**
Interpreter Sign Language II	\$20.00* + \$31.52**	\$23.00* + \$35.00**
Interpreter Sign Language III	\$23.65* + \$37.13** + \$16.50***	\$29.00* + \$41.00** + \$20.00***
Interpreter Sign Language IV	\$26.00* + \$42.63** + \$16.50***	\$34.00* + \$46.00** + \$20.00***
Interpreter Sign Language V	\$30.00* + \$48.13** + \$16.50***	\$38.00* + \$52.00** + \$20.00***
Interpreter Sign Language VI - New	N/A	\$45.00* + \$59.00** + \$20.00***

NOTE: *Day, Mon – Fri, 6am – 6pm

****Evening, Mon – Fri, 6pm – 12am; Overnight, Mon – Fri, 12am – 6am;
Weekend and Holidays an additional rate is paid.**

*****Court Certified Interpretation an additional rate is paid.**

TRAVIS COUNTY GOVERNMENT

Law Enforcement Compensation Analysis for Non-TCSO POPS Employees



Evergreen Solutions, LLC

May 2008

C

Chapter 1

INTRODUCTION

1.1 BACKGROUND

During the FY 08 budget process, the Travis County Commissioners Court instructed the Human Resources Department to conduct a review of all County law enforcement classifications included on the Peace Officer Pay Scale (POPS) that are not housed within the Travis County Sheriff's Office (TCSO). The review was to take place during FY 08, and all recommendations were to be brought forth in time for review during budget planning for FY 09.

The Human Resources Department entered into a contract with Evergreen Solutions, LLC in March 2008. The project's scope was defined as follows:

- Review job content/job descriptions and salary data provided and recommend any job titles if required.
- Complete internal job matching validation to establish internal equity relationships between non-TCSO jobs and TCSO jobs.
- Formulate recommendations for titles and pay scales to determine if non-TCSO pay ranges should be equal to TCSO, or, if not, determine what degree of difference should be established.
- Present results to Human Resources Director and compensation team including preliminary titles, pay ranges, and projected costs.
- Present preliminary recommendations to affected departments, receive and analyze feedback, and modify recommendations as appropriate.
- Finalize written preliminary report including estimated fiscal impact and present final report to Human Resources Director, Compensation Team and Executive Manager, Administrative Operations.
- Conduct Commissioners Court briefings as appropriate.
- Submit Commissioners Court backup.
- Present final recommendations to Commissioners Court.

Non-TCSO law enforcement jobs cover a number of titles and departments. This report includes analysis of the departments and job titles included in **Table 1-1** below.



**Table 1-1
Travis County Non-TCSO Study
Departments and Titles**

Departments	Titles
Constable 1 Constable 3 Constable 4 Constable 5	Deputy Constable Deputy Constable Sr. Constable Sergeant Chief Deputy Constable Chief Deputy Constable (Pct 5)
Transportation and Natural Resources	Park Ranger Park Ranger Supervisor Chief Park Ranger
District Attorney County Attorney Juvenile Public Defender	Investigator Investigator Lieutenant

Constable 2 - The positions included within the Office of Constable 2 are currently contained in the classified pay scale and are not included on POPS. However, for purposes of some analysis, the titles were included as part of the project and the costing figures in Chapter 4.0 include the positions within the office of Constable 2.

1.2 METHODOLOGY

To produce the recommendations contained in Chapter 4.0, Evergreen Solutions staff reviewed multiple data sources. Recommendations were produced using a combination of data sources related to internal and external equity. Initially, background information was reviewed to ensure a thorough understanding of current operations and provide a baseline of existing internal and external equity relationships. Information included:

- Organizational charts;
- Job descriptions;
- Performance metrics;
- Budget data;
- Pay scales;
- FY 08 pay actions;
- Staffing levels;
- Slot reports; and
- Past market data.

At the outset of the project, Evergreen Solutions staff met with the Human Resources Director and Compensation staff to get an overview of issues related to the project and schedule meetings with department representatives. Preliminary meetings were held with department representatives on April 9, 2008. The purpose of the meetings was to:



- Review the scope, anticipated outcomes and timeline with department representatives;
- Get first-hand input on department issues related to the study;
- Review the specific missions, functions, and work tasks unique to the departments represented;
- Review the background, training, and skills required to perform essential job functions;
- Discuss internal equity issues related to TCSO;
- Discuss any market-related issues related to recruitment and retention; and
- Set up communication channels for further contact.

As part of the outreach effort, Evergreen Solutions performed a ride-out with the Park Rangers on April 19, 2008 and with Constables in the office of Constable 2 on April 28, 2008. The purpose of the ride-outs was to observe first hand the work performed by incumbents within the Park Ranger and Constable positions. The ride-outs allowed Evergreen Staff to witness the work performed, working conditions, and general conditions found in the job. It also allowed for one-on-one dialogue with the incumbents.

Another critical component in the Evergreen methodology was a review of market data. Market data was collected by Travis County's Human Resource Department and was submitted to Evergreen Solutions for review. Market data for law enforcement positions was collected from the following jurisdictions:

- City of Austin;
- City of Dallas;
- City of Houston;
- City of Round Rock;
- Bexar County;
- Dallas County;
- Harris County;
- Tarrant County;
- Williamson County;
- Maricopa County;
- LCRA; and
- Texas Department of Criminal Justice.

Qualitative and quantitative data were joined to produce the recommendations contained in Chapter 4.0. The recommendations were produced to address market equity and internal equity issues related to positions within TCSO.

1.3 ISSUES

A number of issues were brought forward during the law enforcement study. Some issues spanned across all departments while others were limited to operations within the specific departments.



The predominant issue across all the non-TCSO law enforcement personnel was the perceived lack of internal equity with TCSO law enforcement classes. According to the departments, recent compensation decisions made by the Commissioners Court has resulted in serious internal equity imbalances between those job classifications within TCSO and those job classifications that are not housed in TCSO. The resulting imbalance has led to recruitment and retention issues within the respective departments and the general sense that the non-TCSO positions are not properly valued.

Specific issues brought forward by the departments are presented below:

Park Rangers

Representatives of the Park Rangers brought forward a number of issues. The most important issue, as stated above, is internal equity with law enforcement job classifications within TCSO. This is viewed as particularly significant since Park Rangers are required to have a Bachelor's Degree and EMT certification, neither of which is required of entry-level Law Enforcement Deputies. Additionally, TCSO is responsible for Park Ranger training and certifies the results. Essentially, Park Rangers are certified peace officers with TCLEOSE certification and perform many of the same duties as Law Enforcement deputies. Park Rangers are experiencing recruitment problems related to the dual certification requirements and the pay disparity with the Sheriff's Office.

The Park Rangers view EMT certification as a compensable factor. As first responders within the County parks, EMT certification is a job requirement and the City of Austin provides a pay additive for Park Police. The Park Rangers would like to add a similar pay additive to remain competitive.

The Park Rangers would like the County to add two job titles to the current job family. The first title is Cadet. This title would be an entry-level job. It is viewed as essential to bringing in interested recruits that do not yet have TCLEOSE certification. The department would recruit for the Cadet title and incumbents would learn the basic parks operations while gaining their TCLEOSE certification. The second requested job title is Senior Park Ranger. This title would be established to add to career progression and would be slotted in between the Park Ranger and Park Ranger Supervisor titles. Senior Park Rangers would provide guidance to Park Rangers and be responsible for training the Park Ranger positions. **Table 1-2** below shows the current and proposed hierarchy for the Park Ranger series as brought forward by representatives of the Park Rangers.



**Table 1-2
Travis County Law Enforcement Study
Current and Proposed Park Ranger Series**

Current Hierarchy	Proposed Hierarchy
	Cadet
Park Ranger	Park Ranger
	Senior Park Ranger
Park Ranger Supervisor	Park Ranger Supervisor
Chief Park Ranger	Chief Park Ranger

Constables

Representatives from the Constables' Offices were also concerned with internal equity issues and the relationships between Constable positions and those within TCSO. They are concerned with the erosion of parity that has occurred since FY 00, particularly those titles above the rank of Senior Deputy Constable. Historically, Constables' Offices have been able to recruit the outlying areas of Travis County. However, the representatives for the Constables' Offices suggest that law enforcement pay in surrounding areas has increased at faster rates than those of the Constable Offices, making it difficult to recruit qualified personnel.

The Constables also requested two additional titles be added to POPS. These titles are Constable Corporal and Constable Lieutenant. They indicated that the Corporal position would add to career progression and that the Constable Lieutenant position would relieve the Chief Deputy Constables from resolving day-to-day issues that would allow them to focus on higher level administrative and planning issues. Since these titles are currently in use at Constable 2 (which is not on POPS), this would allow for greater internal equity across the precincts. **Table 1-3** below shows the current and proposed hierarchy for the Constable series as brought forward by representatives of the Constables Offices.

**Table 1-3
Travis County Law Enforcement Study
Current and Proposed Constable Series**

Current Hierarchy	Proposed Hierarchy
Deputy Constable	Deputy Constable
Senior Deputy Constable	Senior Deputy Constable
	Constable Corporal
Constable Sergeant	Constable Sergeant
	Constable Lieutenant
Chief Deputy Constable	Chief Deputy Constable



Investigators

Representatives of the Investigators and Investigator Lieutenants did not seek to have any additional titles added to POPS. Their primary concern was with internal equity with TCSO. Of particular importance was the internal relationship between Investigators and Law Enforcement Detectives within TCSO. These positions were brought into full parity as a result of the MGT Study conducted in 2005. The internal equity relationship held until FY 08, when the internal equity relationship was broken. As a result, representatives from the County Attorney, District Attorney and Juvenile Public Defender's Offices are concerned that recruitment and retention of qualified investigators will become more difficult due to pay differentials with TCSO.

1.4 REPORT ORGANIZATION

The organization of the remainder of this report is listed immediately below. Chapter 2.0 presents an overview of the respective organizations and a salary history of select positions. In Chapter 3.0, the market results for the respective positions are introduced and summarized. Chapter 4.0 contains the Evergreen Solutions recommendations and costing options.



Chapter 2

OVERVIEW

In this chapter an overview of the affected titles is presented. Included in the overview is a summary of the unique characteristics of each of the affected units and a summary history of past salary equity relationships. The information contained in this chapter provides context to the subsequent analysis and recommendations.

2.1 LAW ENFORCEMENT IN TRAVIS COUNTY

Travis County has a complex law enforcement operation that must work together to ensure the enforcement of laws and keep peace within a large, diverse metropolitan area. A number of law enforcement organizations operate within the confines of Travis County. Each has its own distinct sphere of operations and all must interact with each other on a regular basis.

Within the city limits of the City of Austin, the Austin Police Department (APD) is the primary law enforcement operation. The Travis County Sheriff's Office serves as the primary law enforcement operation outside the city limits and is responsible for running the correctional facilities located within the County. Given the jurisdictional overlap, the two organizations must work together effectively and regularly share information.

In addition to TCSO, Travis County has established other law enforcement organizations to provide law enforcement operations and help ensure public safety and maintain public order. These operations are the primary focus of this study.

Constables

Per the Texas Constitution, County Constables are elected by popular vote and lead their respective offices. Within Travis County, five Constable positions are elected and each is responsible for operations within their respective geographic jurisdictions.

The responsibilities of the Constables' Offices are diverse. Each of the sworn officers that work within the Constables' Offices are TCLEOSE certified and undergo the same type of training that members of TCSO undergo. Thus they are fully certified law enforcement professionals with full arrest and law enforcement powers.

The primary responsibility of the Constables' Offices is to effectively process and execute civil and criminal processes. They are, in effect, the enforcement arm of the judicial process and work closely with the Justice of the Peace Courts in each precinct. Constables collect substantial outstanding warrant fees and in the course of their daily activities serve writs of attachments, conduct evictions, seize property, conduct patrol, run traffic enforcement and serve as a local law enforcement presence in their communities. Constables will respond to crimes in progress that they may observe during the course of their patrols and will respond to calls if they are in the



general geographic area. During these times, Constables serve in the same capacity as TCSO officers.

Park Rangers

The Park Ranger program was established in 1994 and the primary emphasis of the program is to enforce laws and maintain public order in the parks operated by Travis County. Like TCSO and the Constables, Park Rangers undergo TCLEOSE training and must be certified law enforcement professionals. They have full arrest and law enforcement powers.

Generally, Park Rangers operate only within the jurisdiction of Travis County parks. They must balance the responsibility of law enforcement with ensuring that visitors enjoy their visits to the parks and want to return. In effect, they must enforce the law and park policies but also act as "good will ambassadors". To be effective, Park Rangers must both serve the public by acting as public resources and ensure that situations do not get out of control. Park Rangers must have effective public relations skills in order to be successful.

In addition to serving the public and enforcing all laws and park regulations, Park Rangers serve as first responders within Travis County Parks. Park Rangers must be certified EMTs and respond to medical emergencies within the parks. This requires the acquisition and retention of a skill set that is not commonly found in the law enforcement community.

Investigators

The title of Investigator is used in the County Attorney, District Attorney, and Juvenile Public Defender Departments. Although duties differ among the different departments, these jobs are very similar in nature to Detectives within TCSO. Primarily, Investigators work to build cases for trial. They collect and review evidence, prepare witnesses for trial, and work with other law enforcement agencies in ongoing investigations within the County. They work with numerous law enforcement agencies in building cases. The primary difference between Investigators and Detectives is the focus of the investigation. Detectives within TCSO focus primarily on investigating crimes and apprehending suspects. Investigators also take part in these activities but their focus is making sure that the case being built is ready for trial. They work regularly with Attorneys to ensure that their offices are ready for trial and have the best possible chance for success in court. They must also prepare presentations for the court room and be ready to serve as witnesses in each case.

The title of Investigations Lieutenant is used by the County Attorney and District Attorney. Incumbents in these positions are more experienced and typically handle more difficult and complex cases. They spend approximately one-fourth to one-third of their time supervising staff and the remainder conducting advanced investigations and working with Attorneys and other Department personnel.

Investigators and Investigations Lieutenants also are TCLEOSE certified and are fully functional law enforcement officers with full arrest and law enforcement powers. Most possess considerable law enforcement experience, with most successful applicants having at least 15 years of law enforcement experience.



2.2 HISTORICAL INTERNAL EQUITY RELATIONSHIPS

Over time, informal internal equity relationships have evolved among the Travis County law enforcement job classifications. Although salary levels have varied, the internal matching that has taken place has solidified over time. Table 2-1 shows the internal equity relationships that have evolved.

Table 2-1
Travis County Law Enforcement Study
Historical Internal Equity Relationships

TCSO	Constables	Park Rangers	Investigators
Law Enforcement Deputy	Deputy Constable	Park Ranger	
Senior Law Enforcement Deputy	Senior Deputy Constable	Park Ranger Supervisor	
Detective			Investigator
Law Enforcement Sergeant	Constable Sergeant	Chief Park Ranger	
Law Enforcement Lieutenant	Chief Deputy Constable		Investigations Lieutenant

It should be noted that the internal equity relationships that have evolved over time are not set by policy or officially recognized by the County. The table also does not include the titles of Constable Corporal and Constable Lieutenant in use in the office of Constable 2. These titles are not contained in POPS, and are part of the classified pay structure. Additionally, due to the scope of the operations in Constable 5, the Chief Deputy Constable for that office has its own pay range that is approximately 10 percent higher than the other Chief Deputy Constables.

The Chief Park Ranger title is a fairly new title that was developed subsequent to the 2005 MGT Study. That study also resulted in the consolidation of two Investigator classifications and recommended that the job be matched to the LE Detective position within TCSO. The remaining titles are more established and the internal equity relationships have been established due to the type of work performed, market considerations and the scope of responsibilities.

2.3 SALARY HISTORY

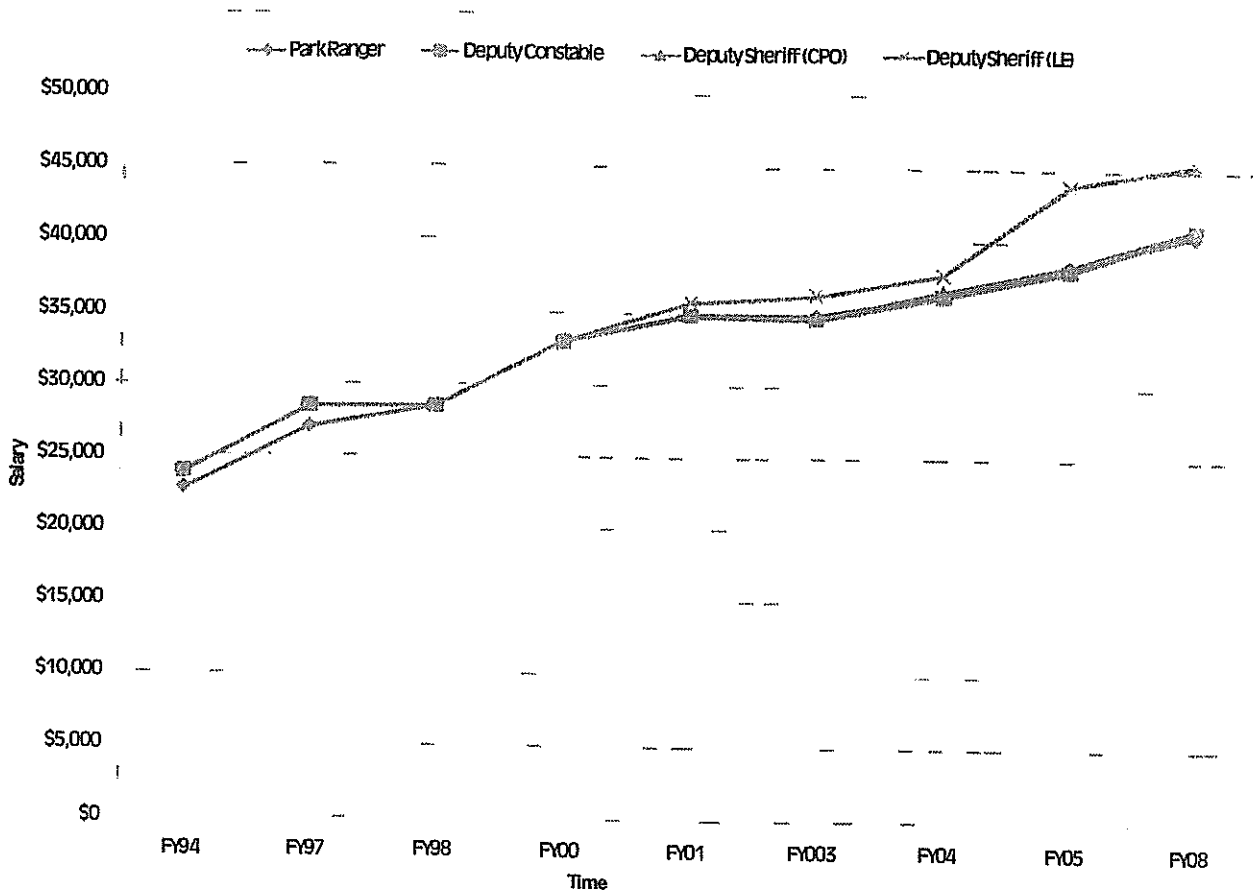
This section contains a summary of the salary history for the affected classifications. While it focuses primarily on the results of the FY 08 salary actions taken by the Commissioners Court, it also includes some historical perspective for those titles with longer histories.



Deputy Level

Figure 2-1 shows the starting pay for TCSO Law Enforcement Deputies, Certified Peace Officers (Corrections) Deputy Constables and Park Rangers.

Figure 2-1
Travis County Law Enforcement Study
Entry Level Starting Pay
FY 94 – FY 08
TCSO LE Deputy, Certified Peace Officer, Deputy Constable, Park Ranger

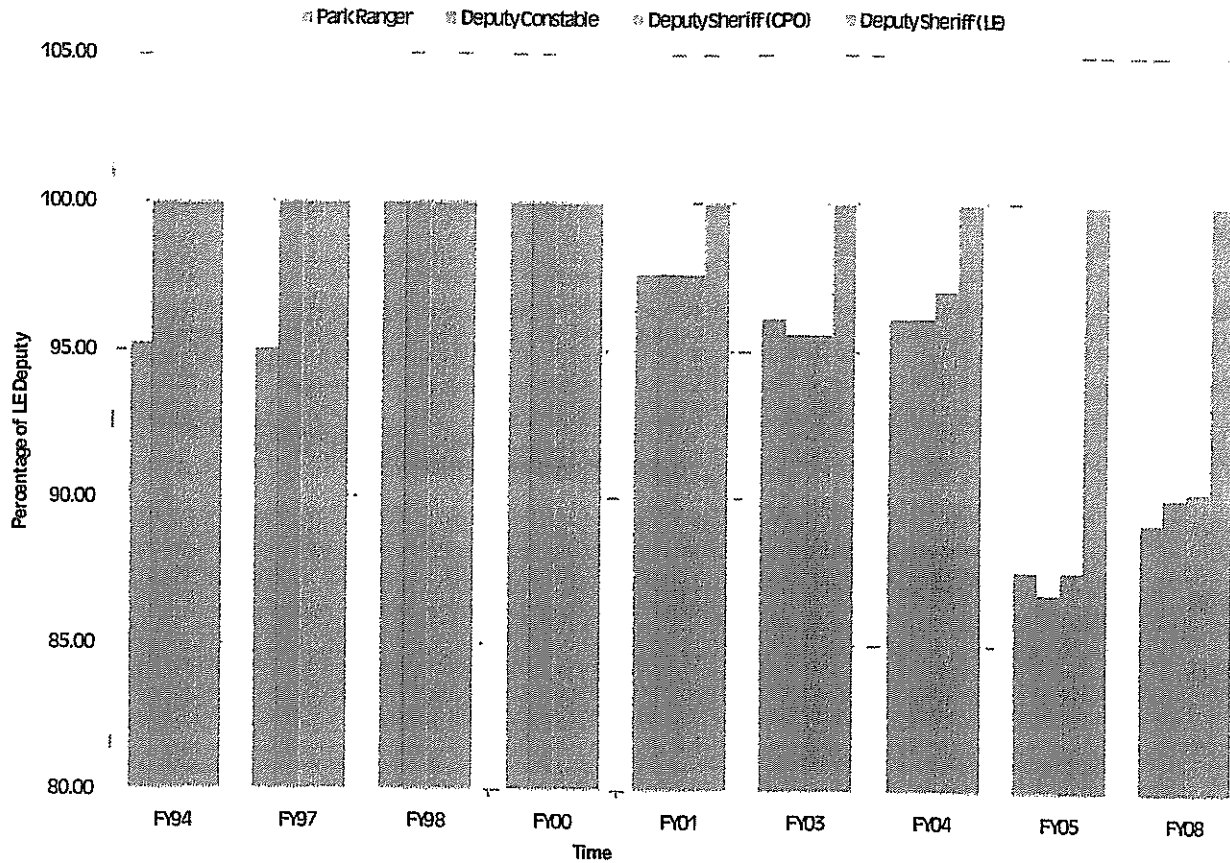


As seen in the exhibit, entry salary levels for these job classifications have historically been very close. However, beginning in FY 01, the LE Deputy title began to separate from the remaining job classifications. The split intensified in FY 05, and the separation between the Law Enforcement Deputy title and the other entry level law enforcement classifications remains.

Figure 2-2 shows the relationship between the above classifications as a percentage of Law Enforcement Deputy pay.



Figure 2-2
Travis County Law Enforcement Study
Entry Level Starting Pay as a Percentage of LE Deputy Pay
FY 94 – FY 08
TCSO LE Deputy, Certified Peace Officer, Deputy Constable, Park Ranger



The exhibit above shows all certified peace officers had the same starting pay levels from FY 98 through FY 00. The non-TCSO positions declined in terms of internal equity after FY 00, reaching a nadir between FY 05 and FY 07. The internal equity relationship rebounded some as a result of compensation policy decisions for FY 08.

Senior Deputy Level

Figure 2-3 shows entry level salaries for the Senior Law Enforcement Deputy, Senior Certified Peace Officer, and Senior Deputy Constable. The results mirror the relationships seen in Figure 2-1. After FY 00, the Sr. Deputy Constable position lost internal equity compared to the Law Enforcement Senior Deputy.



Figure 2-3
Travis County Law Enforcement Study
Entry Level Starting Pay
FY 94 – FY 08
TCSO LE Sr. Deputy, Sr. Certified Peace Officer, Sr. Deputy Constable

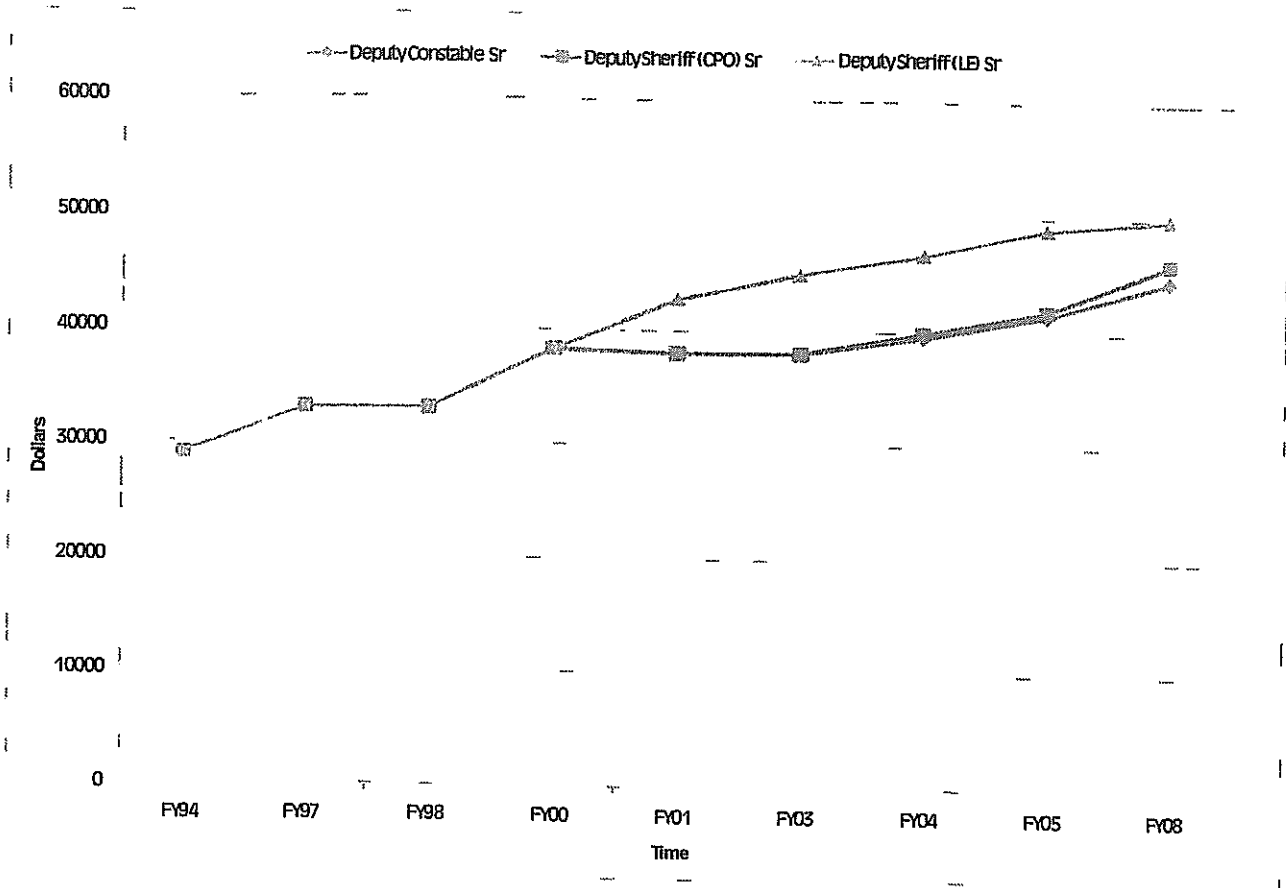
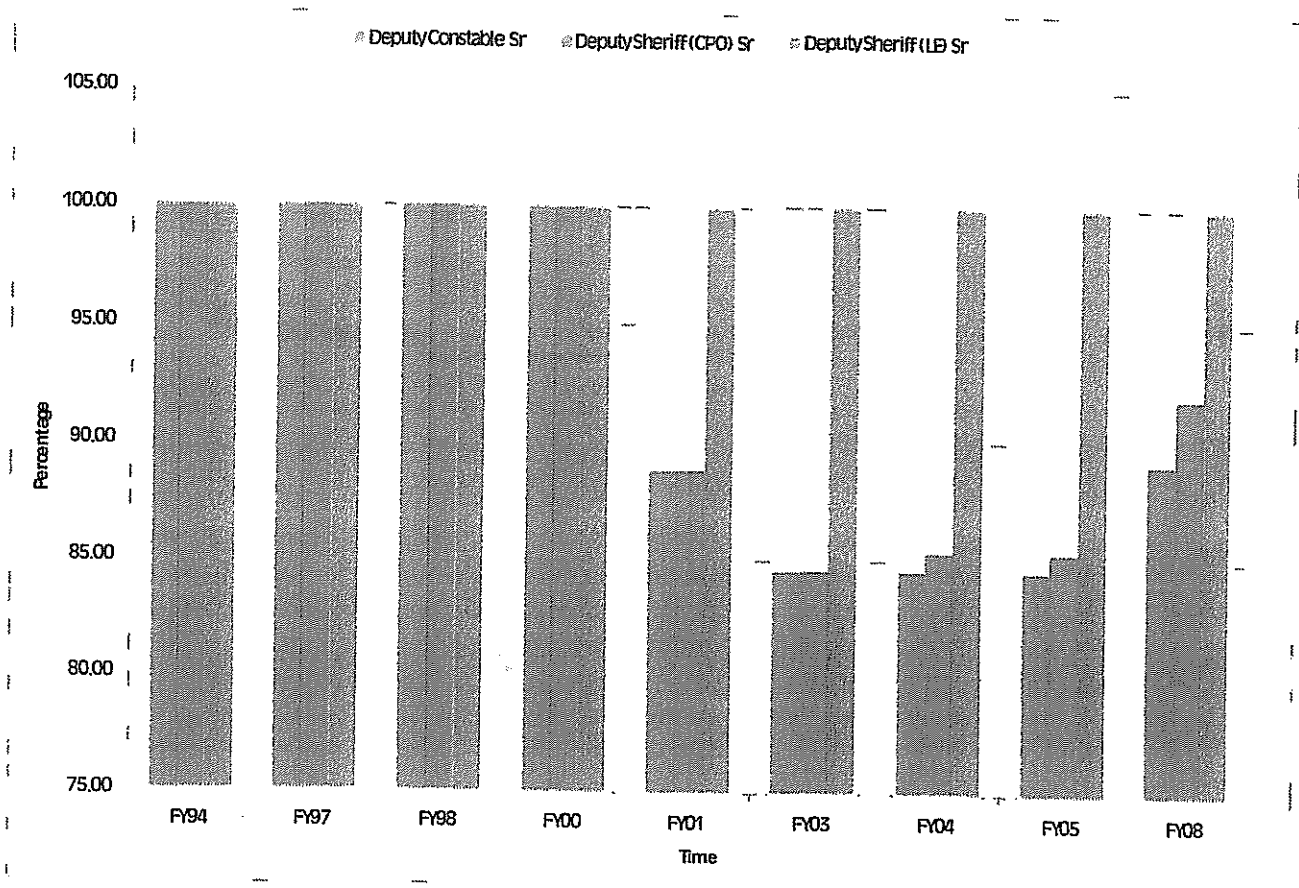


Figure 2-4 shows the same relationships listed above as a percentage of Sr. Law Enforcement Deputy pay.



Figure 2-4
Travis County Law Enforcement Study
Entry Level Starting Pay as a Percentage of Sr. LE Deputy Pay
FY 94 – FY 08
TCSO LE Sr. Deputy, Sr. Certified Peace Officer, Sr. Deputy Constable



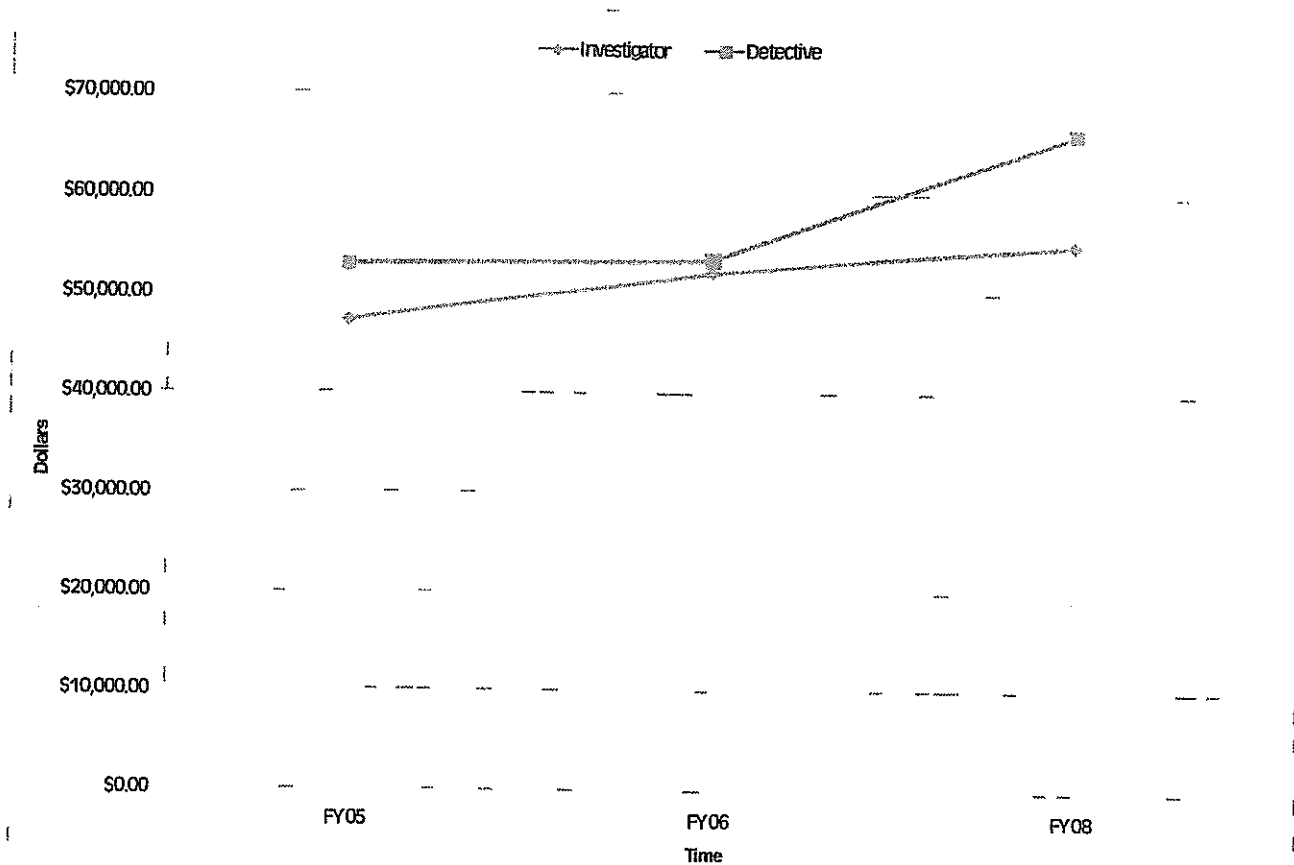
As expected, the results look similar to Figure 2-2. The erosion of the internal equity position of the Sr. Deputy Constable position began in FY 01, intensified until FY 07, and rebounded slightly in FY 08.

Investigator Level

As previously discussed, the Investigator title was formed by the consolidation of two distinct Investigator titles as a result of the MGT study of 2005. At that time, the MGT recommendation to set Investigator pay at the level of the Law Enforcement Detective was implemented. This relationship remained in place until FY 08. **Figure 2-5** shows the relationship between the Investigator and Detective job classifications from FY 05 to FY 08.



**Figure 2-5
Travis County Law Enforcement Study
Entry Level Starting Pay
FY 05 – FY 08
TCSO LE Detective and Investigator**



As seen in the exhibit, in FY 05 Detective pay was substantially higher than Investigator pay. In FY 06, the gap was eliminated and remained that way in FY 07. However, in FY 08, Detective pay spiked sharply while Investigator pay rose a more modest five percent. As of FY 08, a Detective starting on step 3 earned \$66,078 while an Investigator starting on the same step would be paid \$56,449. The dollar difference between the two positions is thus approximately \$9,629.

Sergeant Level

Figure 2-6 shows the starting pay levels for Law Enforcement Sergeants, Corrections Sergeants, and Constable Sergeants.



**Figure 2-6
Travis County Law Enforcement Study
Entry Level Starting Pay
FY 94 – FY 08
TCSO LE Sergeant, Corrections Sergeant, Constable Sergeant**

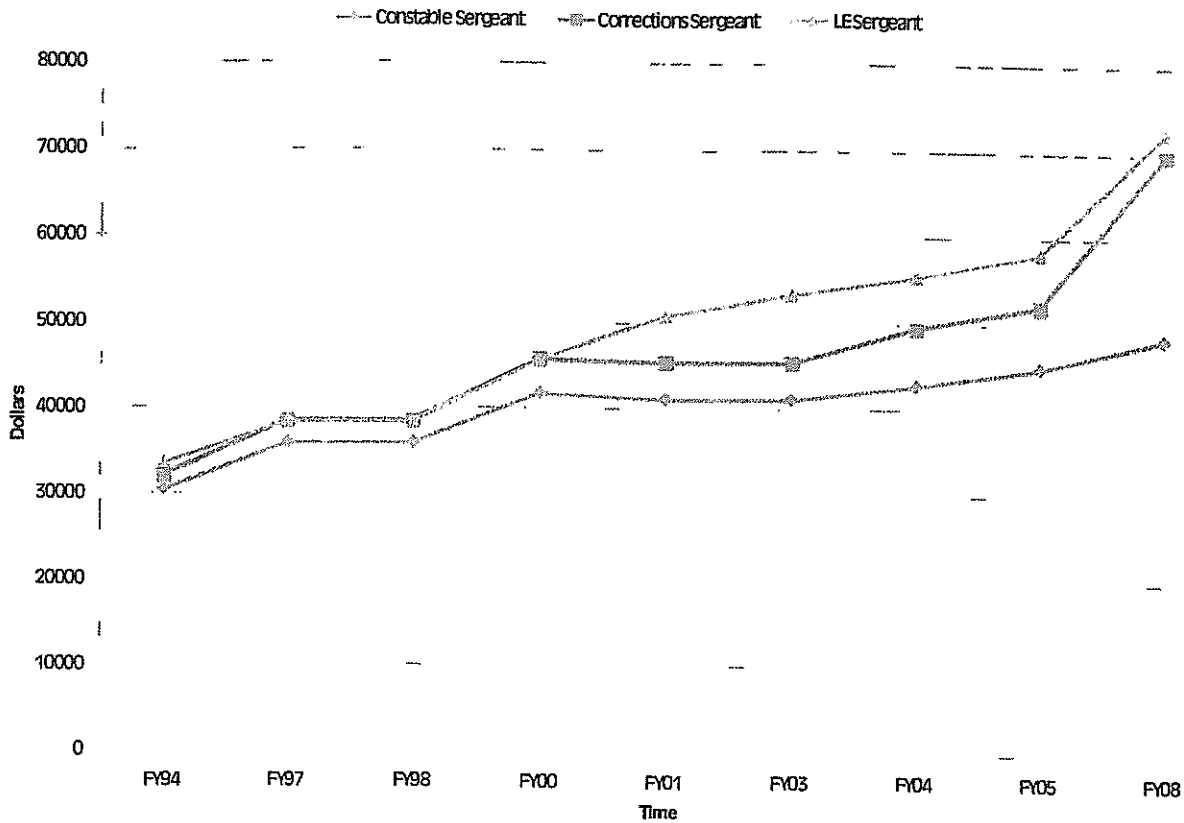


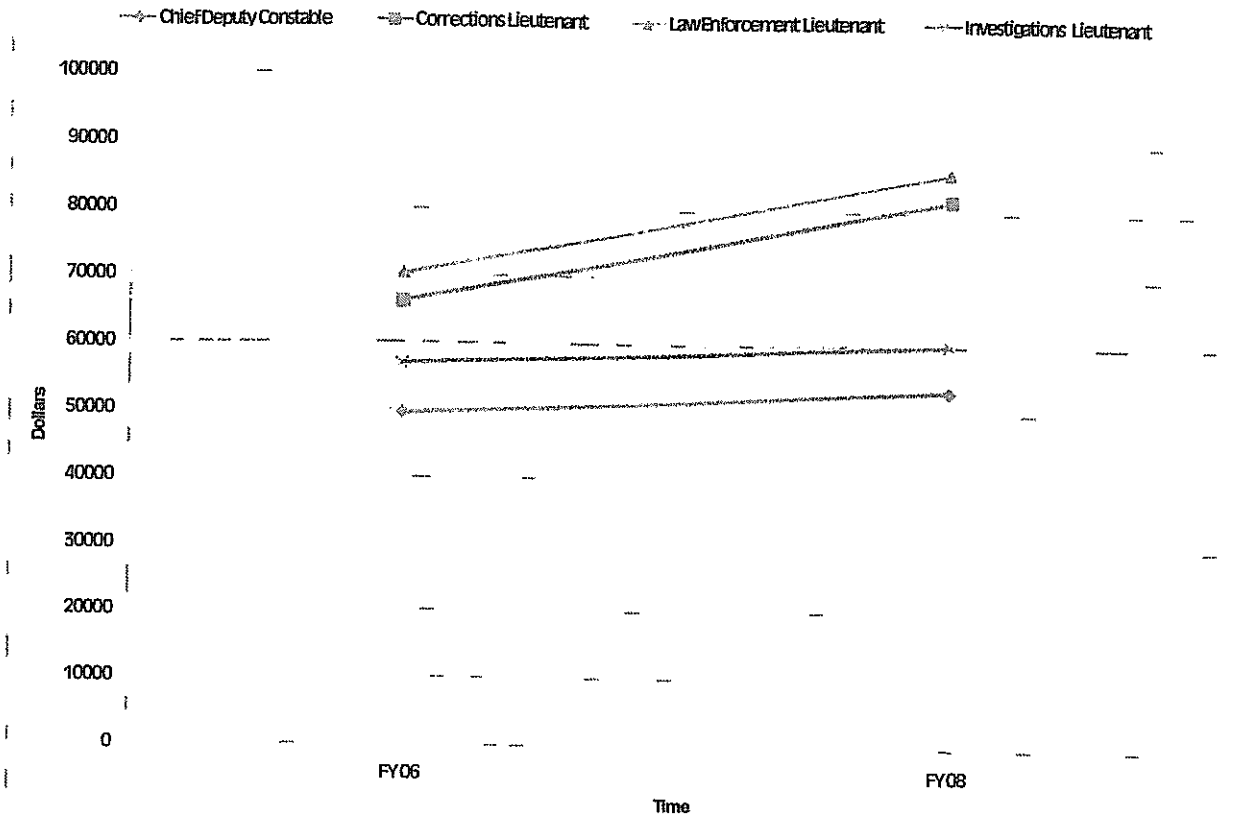
Figure 2-6 shows that while Law Enforcement Sergeants have always been paid at rates higher than Constable Sergeants, the spread between the two job classifications has grown over time. Starting in FY 01, the difference has accelerated and the pay actions approved by Commissioners Court in FY 08 has expanded the gap. At step 5, a Law Enforcement Sergeant now earns \$72,522. However, a Constable Sergeant earns \$52,109. Thus the salary difference is approximately \$20,413. The majority of this differential is the result of salary actions taken in FY 08.

Lieutenant Level

Figure 2-7 shows the variation in pay for Law Enforcement Lieutenants, Corrections Lieutenants, Investigations Lieutenants, and Chief Deputy Constable from FY 06 to FY 08.



**Figure 2-7
Travis County Law Enforcement Study
Entry Level Starting Pay
FY 06 – FY 08
TCSO LE Lieutenant, Corrections Lieutenant,
Investigations Lieutenant, Chief Deputy Constable**



In FY 06, Law Enforcement Lieutenants earned substantially more than Investigations Lieutenants and Chief Deputy Constables. However, in FY 08, the gap grew substantially larger. At step 7, a Law Enforcement Lieutenant earns \$85,755. By comparison, an Investigations Lieutenant earns \$67,321. Thus the gap at the standard entry step is approximately \$18,434. A Chief Deputy Constable earns \$59,793 at Step 7. Thus the gap between these positions (excluding Precinct 5) is approximately \$25,962.

2.4 PAY EQUITY SUMMARY

Based on the data, the following conclusions can be reached concerning internal pay equity relationships.

- At the Deputy and Senior Deputy levels, all certified peace officers were placed at full internal equity until FY 00. At that point, Constable and Park Ranger positions began to



decline in terms of internal equity. The internal equity relationship for these positions reached its nadir in FY 05 through FY 07. In FY 08, Constable positions received a 7.5% increase while Park Rangers received a 5.5% increase. These increases were greater than those received by LE Deputies and Sr. Deputies, thus reducing the spread that had emerged between these titles.

- At the Investigator/Detective level, the titles of Detective and Investigator reached full equity in FY 06, largely as a result of the implementation of recommendations from the MGT report of 2005. In FY 08, Investigator received a 5.5% increase, but this increase paled in comparison to the 23% increases received by Detectives within TCSO. As a result, at step 3, Investigators earn approximately 85% of what Law Enforcement Detectives earn.
- At the Sergeant level, Law Enforcement Sergeants have always earned more than Constable Sergeants. Until FY 00, Constable Sergeants earned approximately 90 percent of Law Enforcement Sergeants. Since that time, the internal equity relationship has declined. In FY 08, the deterioration escalated. Constable Sergeants received a 7.5% increase. However, Law Enforcement Sergeants received a 24% increase. The result is that at step 5, Constable Sergeants now earn approximately 72% of what Law Enforcement Sergeants do.
- At the Lieutenant level, Law Enforcement Lieutenants have always earned more than Investigations Lieutenants and Chief Deputy Constables. However, in FY 08 Law Enforcement Lieutenants received a 22% increase while Chief Deputy Constables received a 7.5% increase and Investigations Lieutenants received a 5.5% increase. As a result, at step 7, Chief Deputy Constables earn approximately 70% of what Law Enforcement Lieutenants do while Investigations Lieutenants earn approximately 78.5% of what Law Enforcement Lieutenants do.

While the pay actions adopted by the Commissioners Court in FY 08 brought Deputies and Senior Deputies into closer internal equity alignment, the opposite is true for those positions above the rank of Senior Deputy.



Chapter 3

MARKET SURVEY RESULTS

3.1 INTRODUCTION

The results from the salary survey are presented in this chapter. Information for this analysis was collected by the Travis County Human Resources Department and forwarded to Evergreen Solutions for comparative analysis. While the primary focus of this analysis is to present the market data information for the non-TCSO law enforcement job classifications, the data collected for TCSO Law Enforcement job classifications is also presented to provide context for the other positions.

3.2 SALARY SURVEY ANALYSIS

In this section, the results of the salary survey are presented and analyzed. Job classifications residing in the Sheriff's Office are presented separately from those job classifications that do not reside in the Sheriff's Office. In the following exhibits, the Law Enforcement Deputy and Senior Deputy job classifications were blended, as were the Deputy Constable and Senior Deputy Constable job classifications. For analytical purposes, the minimum was taken from the entry level job classifications (Law Enforcement Deputy and Deputy Constable) and the maximum was taken from the more advanced job classification (Law Enforcement Senior Deputy and Senior Deputy Constable).

3.2.1 Non-Sheriff Department Job Classifications

In this section the salary survey results for those job classifications that are on POPS but do not work for the Travis County Sheriff's Office are presented¹. The analysis does not include the titles of Constable Corporal or Constable Lieutenant, as these titles are not in use in the peer jurisdictions.

Market Minimums

Exhibit 3-1 shows the differences between the market minimum salaries and the salary minimums for the Travis County job classifications. Of the eight titles listed, Travis County is above market for six. All of the Constable titles are above market, though the percentage above market declines as one progresses through the command structure. Likewise, both Investigator titles are above market, with the Investigator title approximately 18 percent above market and the Investigations Lieutenant title six percent above market. The situation is different for the Park Ranger titles under review. Although the Park Ranger title is eight percent above market, the Park Ranger Supervisor and Chief Park Ranger titles are both below market averages. The Park Ranger Supervisor title is eight percent below market, while the Chief Park Ranger title is 28 percent below market. The market results for the Park Ranger titles need to be viewed with a

¹ Job classifications are from the Constables Office, District Attorney, County Attorney, TNR, and Juvenile Public Defender.



certain amount of caution, since the jobs are somewhat unique and not widely used in the market. For example, the Park Ranger Supervisor and Chief Park Ranger titles have only three comparable peers. One of those peers, the City of Austin, has made recent changes to their compensation structure which is the primary reason that the Park Ranger Supervisor and Chief Park Ranger titles are below market.

**Exhibit 3-1
Travis County Non-TCSO Titles
Market Minimum Comparisons**

Title	Average Minimum	Travis Minimum	% Difference
Deputy Constable	\$36,544	\$40,950	11%
Constable Sergeant	\$45,387	\$48,396	6%
Chief Deputy Constable	\$51,014	\$53,306	4%
Investigator	\$45,038	\$55,038	18%
Investigations Lt.	\$56,435	\$60,240	6%
Park Ranger	\$37,275	\$40,571	8%
Park Ranger Supervisor	\$47,758	\$44,192	-8%
Chief Park Ranger	\$59,265	\$52,314	-28%

Market Maximums

The survey results for the market maximums, shown in **Exhibit 3-2**, are quite similar to what was found for the range minimums. Travis County Constable and Investigator positions are approximately 11 percent above market. In contrast, each of the Park Ranger titles are behind the market, with the percentage differences ranging from five to 15 percent.

**Exhibit 3-2
Travis County Non-TCSO Titles
Market Maximum Comparisons**

Title	Average Maximum	Travis Maximum	% Difference
Deputy Constable	\$57,421	\$63,034	9%
Constable Sergeant	\$61,509	\$69,324	11%
Chief Deputy Constable	\$69,230	\$76,170	9%
Investigator	\$65,754	\$75,153	13%
Investigations Lt.	\$75,619	\$86,303	12%
Park Ranger	\$60,114	\$57,107	-5%
Park Ranger Supervisor	\$74,019	\$69,975	-6%
Chief Park Ranger	\$85,683	\$74,753	-15%



3.2.2 Sheriff's Department Job Classifications**Market Minimums**

Exhibit 3-3 shows a comparison of the Travis County Sheriff's job classification salary minimums and the average salary minimums for the comparative peers.

**Exhibit 3-3
Travis County Sheriff Titles
Market Minimum Comparisons**

Title	Average Minimum	Travis Minimum	% Difference
LE Deputy/Sr. Deputy Sheriff	\$41,392	\$45,485	9%
LE Detective	\$52,645	\$66,972	21%
LE Sergeant	\$63,407	\$72,522	13%
LE Lieutenant	\$66,302	\$85,755	23%

As seen in the exhibit, each of the Travis County job classifications is above the market minimum. The differences range from a low of nine percent for Law Enforcement Deputies/Sr. Deputy Sheriffs to a high of 23 percent for Law Enforcement Lieutenants. Overall, the average difference is approximately 16 percent above market.

Market Maximums

Exhibit 3-4 shows a comparison of the Travis County salary maximums and the average salary maximums for the Sheriff's Office job classifications in the survey group. Again, the results are very similar to the results for the salary minimums in that each of the Travis County job classifications are above the market. The average difference in this case approximately 13 percent. Both the Law Enforcement Deputy/Sr. Law Enforcement Deputy and Law Enforcement Sergeant job classifications are less than 10 percent above market maximums, while the remainder of the job classifications are more than 10 percent above market maximums.

**Exhibit 3-4
Travis County Sheriff Titles
Market Maximum Comparisons**

Title	Average Maximum	Travis Maximum	% Difference
LE Deputy/Sr. Deputy Sheriff	\$61,423	\$67,319	9%
LE Detective	\$79,292	\$66,648	16%
LE Sergeant	\$80,463	\$87,028	8%
LE Lieutenant	\$83,517	\$102,905	19%



3.3 SUMMARY

In combination with the information presented in Chapter 2.0, the market results presented in this chapter highlight the primary compensation issues or challenges faced by Travis County in regard to law enforcement pay.

The results in Chapter 2.0 show that the non-TCSO law enforcement job classifications are paid well below similar job classifications in TCSO. The internal equity issues are particularly acute for those titles above Senior Deputy. This situation is primarily the result of the FY 08 Commissioners Court decision to adjust the TCSO job classifications based on the local market rather than the market as traditionally defined by Travis County. Since the local market is primarily driven by APD rates, which are higher than market as traditionally defined, the resulting salary increases were greater than what would normally have been the case. Since this same principle was not applied to non-TCSO job classifications, the internal equity situations documented in Chapter 2.0 resulted.

The market data in this chapter show that, with the exception of the Park Ranger job classifications, the non-TCSO job classifications are already above the external market. Typically, in this situation, the proper course of action would be to adjust the Park Ranger job classifications to reflect market conditions and leave the other job classifications where they are and let the market catch up. However, for the non-TCSO POPS job classifications, internal equity conditions dictate that adjustments be made to resolve current internal equity issues that have resulted.



Chapter 4

RECOMMENDATIONS AND COSTING

4.1 RECOMMENDATIONS

4.1.1 Existing Job Classifications

The primary purpose of this study is to establish the proper internal equity relationships between law enforcement job classifications within TCSO and those law enforcement job classifications on POPS that are not located within TCSO. After examining past relationships, market data, job duties and responsibilities, recruitment and retention issues, scope of responsibilities, and other related factors, Evergreen Solutions has developed an internal equity matrix for the law enforcement job classifications included in the this study. The internal equity relationships are shown in Table 4-1 below.

**Table 4-1
Proposed Internal Equity Alignment for Law Enforcement Job Classifications
Job Matrix**

Non-TCSO Titles	Internal Equity Alignment
Deputy Constable	95% of Law Enforcement Deputy at TCSO
Senior Deputy Constable	95% of Senior Law Enforcement Deputy at TCSO
Constable Sergeant	95% of Law Enforcement Sergeant at TCSO
Chief Deputy Constable	90% of Law Enforcement Lieutenant at TCSO
Chief Deputy Constable (Precinct 5)	10% above Chief Deputy Constable
Park Ranger	95% of Senior Law Enforcement Deputy at TCSO
Park Ranger Supervisor	85% of Chief Park Ranger
Chief Park Ranger	95% of Law Enforcement Sergeant at TCSO
Investigator	100% of Law Enforcement Detective at TCSO
Investigations Lieutenant	90% of Law Enforcement Lieutenant at TCSO

The proposed internal equity alignments above will restore the non-TCSO job classifications to their more traditional internal equity alignments and address the internal equity issues that resulted from FY 08 compensation actions related to TCSO job classifications. It will also better align similar job classifications within the Park Ranger and Constable job series. With the exception of the Investigator/Law Enforcement Detective relationship, the proposed alignment acknowledges that TCSO positions will be paid at higher levels than those not within TCSO, but



this is consistent with the manner in which peer jurisdictions typically address these relationships.

Recommendation 1

Commissioners Court should adopt the internal equity relationship matrix as shown in Table 4-1.

4.1.2 Proposed Job Classifications

4.1.2.1 Constables

In the course of the project, the Constables expressed a desire to establish the job classifications of Constable Corporal and Constable Lieutenant to POPS. The Constables proposed that the Constable Corporal title be matched internally to the Law Enforcement Detective (TCSO) job classification and set at a pay level of 95% of Detective pay. Additionally, the Constables proposed that the Constable Lieutenant title be matched to the Law Enforcement Lieutenant (TCSO) job classification and set at a pay level of 95% of Law Enforcement Lieutenant pay. As a corollary action, the Constables indicated that the job classification of Chief Deputy Constable be matched to the Law Enforcement Captain job classification in use at TCSO. The job classifications of Constable Corporal and Constable Lieutenant are in use in the office of Constable 2, however, the positions within Constable 2 are not currently on POPS. Evergreen Solutions does not concur with these requests.

Constable Corporal

The Constable Corporal title is not prevalent within the peer jurisdictions where the typical command structure has two levels of deputies and a Sergeant serving as primary training officer and front line supervisor. The primary functions of the Constable Corporal and Law Enforcement Detective job classifications are not consistent; therefore the internal match to Law Enforcement Detective is not appropriate.

Recommendation 2

Commissioners Court should not establish the title of Constable Corporal on POPS.

Constable Lieutenant

The Constable Lieutenant title is also not prevalent within the peer jurisdictions. Typically, Constable Sergeants report to the Chief Deputy Constable without an intermediate job classification in between. The Constables would like to establish the Constable Lieutenant title on POPS. They indicated that the establishment of the Lieutenant rank would serve as the watch commander. Within this role, the Lieutenant would resolve day to day issues that are currently forwarded up the chain of command from the Sergeants to the Chief Deputy Constable. This would then allow the Chief Deputy Constables to spend less time on day-to-day issues and focus more on budgeting, strategic and long-term planning, the development of new programs and higher level administrative functions.



Predominantly, Evergreen Solutions views this issue as a “threshold” issue. In other words, at what point do operational conditions require an additional level within the command structure? Absent an industry standard, the best reference point to examine this issue is TCSO itself. Evergreen Solutions collected data on the scope of command for Lieutenants within TCSO’s three primary law enforcement commands (East Command, Central Command, and West Command).

Within TCSO, the East and West Commands each have a day watch and two night watches. The Central Command has a SWAT and Crime Suppression Unit and a Major Crimes Unit. Each is overseen by a Law Enforcement Lieutenant. The overall staffing for the three TCSO Commands is shown in Table 4-2.

**Table 4-2
TCSO Lieutenant Command Scope
East, Central, and West Commands**

TCSO East	TCSO Central	TCSO West
Day Watch 5 Sergeants 16 Deputies 12 Detectives 1 Investigator 1 Impound Deputy 2 Estray	SWAT & Crime Suppression 2 Sergeants 13 SWAT Deputies 1 Detective 5 Traffic Enforcement 5 Narcotics 1 Highway Enforcement	Day Watch 4 Sergeants 16 Deputies 6 Detectives 10 School Resource Officers
Night Watch 3 Sergeants 22 Deputies	Major Crimes 2 Sergeants 15 Detectives 2 Deputies 4 ID Techs 6 Victim Assistants 1 Computer Forensics	Night Watch 4 Sergeants 21 Deputies 3 Lake Patrol 1 Investigator 10 Motor Patrol
Night Watch 3 Sergeants 18 Deputies 2 DWI Units		Night Watch 18 Deputies 2 DWI Units

Table 4-3 shows the scope of command for Law Enforcement Lieutenants with respect to sworn officers.



**Table 4-3
TCSO Lieutenant Command Scope
East, Central, and West Commands
Sworn Officers**

Location	Sworn Officers
East Day	35
East Night 1	25
East Night 2	23
Central SWAT & Crime Suppression	27
Central Major Crimes	19
West Day	36
West Night 1	39
West Night 2	20
Average	28

On average, a Law Enforcement Lieutenant supervises approximately 28 sworn law officers. The totals are higher on the day shifts than the night shifts, and as expected, the Lieutenant over the Major Crimes Unit supervises fewer sworn personnel.

Evergreen Solutions also collected data on the scope of command for the Chief Deputy Constables in Travis County's five precincts. The results, shown in Table 4-4, are for sworn officers.

**Table 4-4
Chief Deputy Constables Command Scope
Precincts 1-5
Sworn Officers**

Constable 1	Constable 2	Constable 3	Constable 4	Constable 5
No Lt	1 Lt	No Lt.	No Lt	No Lt
1 Sergeant	1 Sergeant	3 Sergeants	1 Sgt	4 Sgt
11 Deputies	5 Corporals	11 Deputies	10 Deputies	22 Deputies
	8 Deputies			

As seen in Table 4-4, considerable variation exists across the Constables' Offices. Precincts 1 and 4 have very similar structures. Each has one Sergeant and 10-11 Deputies. The structure of Constable 3 is more specialized. The office has 11 Deputies who are overseen by three Sergeants, one of whom acts in a Senior Sergeant capacity. Constable Office 2, which is not



currently on POPS, has one Lieutenant who acts as watch commander, one Sergeant, five Corporals and eight Deputies. In some ways, this office is structured in a manner similar to what the other Constables' Offices requested. Constable Office 5 is significantly larger than the other four offices. There are four Sergeants and 22 Deputies.

Table 4-5 shows the scope of command for sworn officers for TCSO and the Constables' Offices side-by-side. As seen in the table, the scope of command for Lieutenants at TCSO is, with the exception of Precinct 5, much greater. On average, Chief Deputy Constables supervise 15.6 sworn personnel. In contrast, the Law Enforcement Lieutenants at TCSO supervise, on average, 28 sworn personnel.

**Table 4-5
TCSO Lieutenant & Chief Deputy Constable
Command Scope
Sworn Officers**

Office	Sworn Officers
Constable 1	11
Constable 2	15
Constable 3	15
Constable 4	11
Constable 5	26
Average	15.6

Location	Sworn Officers
East Day	35
East Night 1	25
East Night 2	23
Central SWAT & Crime Suppression	27
Central Major Crimes	19
West Day	36
West Night 1	39
West Night 2	20
Average	28

Outside of Precinct 5, Chief Deputy Constables supervise fewer than half of the sworn officers than Lieutenants in TCSO do. The data suggest that the Chief Deputy Constables should have sufficient time to handle day-to-day issues and still conduct higher level administrative functions. Although Chief Deputy Constables do have some responsibilities that overlap with Captain responsibilities, such as planning and development for new systems and programs, networking with other agencies, public speaking (at Commissioners Court, seminars, conferences, associations, etc), these are not unrealistic expectations given the size and scope of the operations. Generally, Evergreen Solutions believes that the overall scope of the Chief Deputy Constable job classification is consistent with the historic internal alignment with Law Enforcement Lieutenant.

The analysis shows that currently the Chief Deputy Constable positions in Precincts 1-4 have not yet reached a threshold that warrants the establishment of a Lieutenant title. However, the operations in Precinct 5 are approaching the threshold at which a Lieutenant title may be appropriate. Given that the Chief Deputy Constable position in Precinct 5 is recommended to be compensated at 10% above the other Chief Deputy Constables, this would place the position at



nearly full parity with the Law Enforcement Lieutenant. Evergreen Solutions believes that the Commissioners Court consider establishing a policy where a threshold level is set that would guide future actions related to the Constable Lieutenant title.

Recommendation 3

Commissioners Court should not establish the title of Constable Lieutenant on POPS at this time.

Recommendation 4

Commissioners Court should establish a policy whereby the title of Constable Lieutenant should be made available to the Constables' Offices once they have reached 30 sworn officers. At that time, slot the Constable Lieutenant job classification at 90% of Law Enforcement Lieutenant pay and slot the Chief Deputy Constable at 90% of Law Enforcement Captain pay.

4.1.2.2 Park Rangers

TNR has expressed the desire to establish two additional job titles within the Park Ranger series. These titles, Park Ranger Cadet and Senior Park Ranger, would fit into the current Park Ranger series in a manner consistent with Table 1-2 in Chapter 1.0. Evergreen Solutions does not concur with the establishment of the Park Ranger Cadet title but does concur with the establishment of the Senior Park Ranger title.

Park Ranger Cadet

TNR's request to establish the Park Ranger Cadet title is based in part on the Department's inability to recruit for the Park Ranger job classification. The Department's rationale for establishing the Cadet title is to attract personnel interested in working in the parks but who may not yet have achieved TCLEOSE certification. As Cadets, the employees would become familiar with the parks operation while they were obtaining the necessary law enforcement certification.

Evergreen Solutions believes that there are more effective ways to deal with the recruitment issue. Essentially, the primary factors inhibiting recruitment of Park Rangers is that potential candidates need to have both EMT certification and TCLEOSE certification. These skill sets typically draw two different types of employees. Those with an interest in law enforcement typically pursue this career while those with an interest in emergency rescue will typically follow an EMT/Paramedic path. Evergreen Solutions believes that the more effective path is to recruit candidates with law enforcement certification, and drop the EMT requirement as an entry level requirement. Employees could be hired as Park Rangers, and then allowed time to receive EMT certification (see Recommendation 8). The addition of the Senior Park Ranger title would also assist in recruitment since a better defined career path would be in place (see Recommendation 6). Another reason that Evergreen Solutions opposes the creation of the Park Ranger Cadet title is that it is entirely possible that the Department could assist the Cadet in receiving TCLEOSE certification, but would have no guarantee that the employee would remain with the Park Rangers. Thus the investment in the potential employee would be lost.



Recommendation 5

Commissioners Court should not establish the title of Park Ranger Cadet on POPS.

Senior Park Ranger

TNR has expressed an interest in establishing the title of Senior Park Ranger to the POPS scale. The rationale for establishing the title is allow for the career progression of Park Rangers in a manner that is consistent with the other law enforcement organizations. The Park Ranger operation has reached a level of size and sophistication where this request is reasonable and should be adopted. It will also help to facilitate recruitment and retention within the Park Ranger series.

Recommendation 6

Commissioners Court should establish the title of Senior Park Ranger on POPS and compensate this title at 95% of Law Enforcement Deputy pay.

4.1.3 Other Recommendations

4.1.3.1 Park Rangers

TNR has requested that those current and future employees within the Park Ranger series be paid \$125 monthly add pay for the possession of an EMT B certification. Presently, EMT B certification is a job requirement, but employees do not receive add pay. Evergreen Solutions believes that the add pay is a reasonable request that is consistent with market conditions and similar in nature to the add pay received by Constables for CPP certification.

Recommendation 7

Commissioners Court should establish a \$125 monthly add pay for all employees within the Park Ranger series within TNR that possess active EMT B certification.

Currently, prospective Park Rangers are required to have EMT B certification prior to County employment. Evergreen Solutions believes that this requirement is an obstacle to recruitment and should be waived prior to hire. TNR should be given the flexibility to hire employees into the Park Ranger service who do not yet have EMT B certification. However, employees should be given one year from date of hire to achieve the required EMT B certification. Those employees that fail to meet this requirement within one year should be terminated.



Recommendation 8

Commissioners Court should waive the EMT B certification for prospective employees with the Park Ranger series. Employees within the Park Ranger series should be given one year to attain EMT B certification. Those employees within the Park Ranger series that do not attain EMT B certification should be terminated.

4.1.3.2 Constables

Constable Office 2 has expressed an interest in having its employees moved back to POPS. This issue is beyond the scope of this study and Evergreen Solutions has no official position on the appropriateness of such action. However, should the Commissioners Court approve this action, it will result in two titles currently in use at Constable Office 2 (Constable Corporal and Constable Lieutenant) having no equivalent title on POPS. Since Evergreen Solutions opposes the titles of Constable Corporal and Constable Lieutenant being added to POPS (see Recommendations 2 and 3), we believe that should Commissioners Court approve the reincorporation of Constable Office 2 to POPS, incumbents within these positions should be placed at the closest rank. These reclassifications should not be considered demotions.

Recommendation 9

Should Commissioners Court approve reincorporation of Constable Office 2 to POPS, Constable Corporals should be reclassified to Senior Deputy Constables and Constables Lieutenants should be reclassified to Constable Sergeants.

4.1.4 Equity Maintenance

Internal equity relationships between TCSO and non-TCSO law enforcement titles have changed over time. In some instances, Commissioners Court actions, such as in FY 08, have altered these relationships. Evergreen Solutions believes that repeated fluctuations in the internal equity relationships hinders planning, consistency in salary administration, and leads to unhealthy competition between law enforcement agencies within Travis County. For these reasons, Evergreen Solutions believes that once the internal equity recommendations above are adopted and implemented, the Commissioners Court should adopt a formal compensation policy to leave the internal equity relationships in place. This would ensure that future compensation actions would affect all of the County's law enforcement classifications on POPS.



Recommendation 10

Upon the adoption and implementation of the internal equity relationships established in Recommendations 1-9, Commissioners Court should adopt a formal compensation policy that keeps the internal equity relationships established in place for all non-TCSO POPS job classifications.

4.2 IMPLEMENTATION AND COSTING

Evergreen Solutions has calculated three separate costing options for Commissioners Court consideration. The primary difference between the three options is the time it would take to bring the non-TCSO job classifications fully into the proposed equity relationships with TCSO. The one-year option would bring all non-TCSO POPS positions into the proposed equity relationships in FY 09. The two-year option would bring all non-TCSO POPS positions into the proposed equity relationships by FY 10, while the three-year option would do the same by FY 11.

Each option has its advantages and disadvantages. The one-year option would be the most expensive to implement and would move the non-TCSO dramatically above market in a similar fashion to what was done with TCSO titles in FY 08. However, implementation of the one-year option would be the most direct route to restoring the internal equity relationships recommended in this report.

The three-year option would be the least expensive option and would allow the market for non-TCSO POPS titles to move in conjunction with Travis County. However, the three-year option would also delay the establishment of the internal equity relationships recommended in this report, which would be to the detriment of the employees within the non-TCSO law enforcement personnel.

The two-year option is a middle-ground solution that is not as expensive as the one-year option but also does not delay the establishment of the internal equity relationships as long as the three year option.

Table 4-6 shows the cost of each of the three implementation options.



**Table 4-6
Non-TCSO POPS Implementation Costs
One, Two, and Three-Year Options**

Option	Cost FY 09 Salaries	Cost FY 09 Benefits	Cost FY 10 Salaries	Cost FY 10 Benefits	Cost FY 11 Salaries	Cost FY 11 Benefits	EMT B Add Pay	Total Cost
One-Year Option	\$753,216	\$161,963					\$24,000	\$939,279
Two-Year Option	\$442,458	\$95,128	\$310,858	\$66,834			\$24,000	\$939,279
Three-Year Option	\$326,599	\$70,219	\$221,852	\$47,698	\$204,868	\$44,047	\$24,000	\$939,279

The total cost of the implementation is \$939,279. This includes the cost of salaries, benefits, and the \$24,000 add pay for the EMT B certification for the Park Ranger series. It does not include the cost of step progression. The costing includes the reclassification of four Senior Park Ranger slots from Park Ranger.

Table 4-7 shows the projected implementation cost by department.

**Table 4-7
Non-TCSO POPS Implementation Costs
By Department**

Department	Implementation Cost
TNR	\$148,952
County Attorney	\$86,090
District Attorney	\$236,586
Juvenile Public Defender	\$14,881
Constable 1	\$77,211
Constable 3	\$113,364
Constable 4	\$80,455
Constable 5	\$182,067



TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Voting Session: AUGUST 5, 2008

I. A. Request made by: DANNY HOBBY, EXECUTIVE MANAGER, EMERGENCY SERVICES
Phone #: 854-4416
(Elected Official/Appointed Official/Executive Manager/County Attorney)

B. Requested topic: CONSIDER AND TAKE APPROPRIATE ACTION ON ANNUAL INTERLOCAL AGREEMENT WITH CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR ON-GOING PUBLIC SAFETY ANSWERING POINT (PSAP) MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING. (TCES FOR TCSO)

C. Approved by: _____
Signature of Commissioner or Judge

II. A. Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies).

B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

III. Required Authorizations: Please check if applicable.

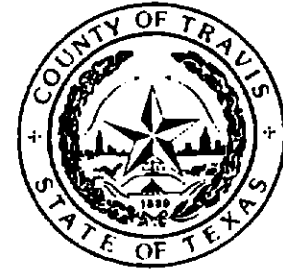
Planning and Budget Office (854-9106)
____ Additional funding for any department or for any purpose
____ Transfer of existing funds within or between any line item
____ Grant

Human Resources Department (854-9165)
____ Change in your department's personnel (reorganization, restructuring etc.)

Purchasing Office (854-9700)
____ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)
____ Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to the County Judge's office in writing by 12:00pm on Tuesdays for the next week's meeting. Late or incomplete requests may be deferred to the next meeting.



EMERGENCY SERVICES

DANNY HOBBY, EXECUTIVE MANAGER
P.O. BOX 1748, AUSTIN, TEXAS 78767
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Emergency Management
Pete Baldwin, Emergency Mgmt.
Coordinator

Fire Marshal
Brad Beauchamp

Medical Examiner
Dr. David Dolinak

STAR Flight
Casey Ping, Program Manager
Technology & Communications

Date: July 22, 2008
To: Travis County Commissioners Court
From: Danny Hobby, Emergency Services Executive Manager
Subject: Recommendation for Approving Interlocal Agreement with CAPCOG, Providing Funds for Travis County PSAP Maintenance, Equipment Upgrade, and Training

Proposed Motion:

CONSIDER AND TAKE APPROPRIATE ACTION ON ANNUAL INTERLOCAL AGREEMENT WITH CAPITAL AREA COUNCIL OF GOVERNMENTS (CAPCOG) FOR ONGOING PSAP MAINTENANCE, EQUIPMENT UPGRADE AND TRAINING. (TCES FOR TCSO)

Summary & Staff Recommendation:

This agreement with CAPCOG provides \$1,500 in supplemental funding to Travis County Sheriff's Office for Public Safety Answering Point ("PSAP") related expenses in FY09.

The Texas Commission on State Emergency Communications requires the execution of agreements such as this one. The contract provisions are essentially the same as previous years with TCSO purchasing commodities and services necessary for continuous PSAP operation and keeping the 9-1-1 system current in regards to hardware, software, and training; protecting/maintaining equipment and data; securing against unauthorized entrance or use; and providing regular reports to CAPCOG.

Budgetary and Fiscal Impact:

The amount of funding this year is the same as last year and is intended to help supplement the annual budget for service delivery of Emergency 9-1-1.

Issues and Opportunities:

There are no issues or concerns with approving this interlocal agreement, as this is a routine, annual occurrence.

Attachment(s):

CAPCOG Cover Letter of July 15, 2008
CAPCOG Interlocal Contract for PSAP Maintenance, Equipment Upgrade, and Training

Cc:

County Attorney's Office – Jim Connolly
County Auditor's Office – Jose Palacios
Planning & Budget Office – Randy Lott, Bill Derryberry
TCSO – Bill Campbell, Paul Knight, Chris Wallace
TCES – Toby Fariss



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**Capital Area
Council of
Governments**

P. O. Box 17848
Austin, Texas 78760-7848

6800 Burleson Road
Building 310, Suite 165
Austin, Texas 78744

512.916.6000
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www.capcog.org

The Honorable Samuel T. Biscoe
Travis County
PO Box 1748
Austin, TX 78767

RE: FY 09 PSAP Interlocal

Dear Judge Biscoe:

Enclosed please find the FY 2009 PSAP Interlocal(s) (2 originals) and attachments. The documents will describe how both your entity and CAPCOG will accomplish the delivery of 9-1-1 service throughout the year.

I respectfully request you sign the attached and return all originals to our office by August 15, 2008. The new fiscal year starts September 1, 2008 and this will enable reimbursements and disbursements to be made shortly after the beginning of the new fiscal year. Upon receipt in our office, Betty Voights, Executive Director, will sign each, and one original will be returned to you. Please note that without the signed Interlocal in place CAPCOG is unable to reimburse your entity any funds expended on behalf of the 9-1-1 services.

Should you have any questions, please feel free to contact me at (512) 916-6044.

Sincerely,

Becky Stewart, RPL, ENP
Director Emergency Communications

Bastrop

Blanco

Burnet

Caldwell

Fayette

Hays

Lee

Llano

Travis

Williamson

Counties

CAPITAL AREA COUNCIL OF GOVERNMENTS

INTERLOCAL CONTRACT FOR PSAP MAINTENANCE, EQUIPMENT UPGRADE, AND TRAINING

Sec. 1. Parties and Purpose

1.1. The Capital Area Council of Governments ("CAPCOG") is a regional planning commission and political subdivision of the State of Texas organized and operating under the Texas Regional Planning Act of 1965, as amended, chapter 391 of the Local Government Code. CAPCOG has developed a *Strategic Plan* to establish and maintain 9-1-1 emergency telephone service in State Planning Region 12, and the Texas Advisory Commission on State Emergency Communications has approved its current *Plan*.

1.2. Travis County ("Public Agency") is a Texas county that operates one or more Public Service Answering Points (PSAPs) that assist in implementing the *Strategic Plan* as authorized by chapter 771 of the Health and Safety Code.

1.3. This contract is entered into between CAPCOG and Public Agency under chapter 791 of the Government Code so that Public Agency can maintain its PSAP(s), upgrade its equipment, and train its personnel to participate in the enhanced 9-1-1 emergency telephone system in the Region.

Sec. 2. Goods and Services

2.1. Public Agency agrees to:

(1) purchase supplies such as printer paper, printer ribbons, cleaning materials, etc. necessary for the continuous operation of its PSAP(s);

(2) upgrade its PSAP equipment and software, as authorized in the current *Strategic Plan*, by requesting CAPCOG to purchase new equipment and software;

(3) protect the PSAP equipment and secure the premises of its PSAP(s) against unauthorized entrance or use;

(4) practice preventive maintenance for the PSAP equipment;

(5) provide emergency communications training to call-takers/dispatchers as described in CAPCOG's current *Strategic Plan*.

(6) protect the confidentiality of 9-1-1 database information and of information furnished by telecommunications providers, and notify CAPCOG's Emergency Services Department in writing within two business days of the receipt of a request for 9-1-1 database information, or for information furnished by telecommunications providers, made under the Texas Public Information Act;

(7) use the Emergency Notification Services database information only to warn or alert citizens of an emergency situation where property or human life is in jeopardy, and protect the database information from unauthorized use.

Sec. 3. Contract Price and Payment Terms

3.1. CAPCOG agrees to compensate Public Agency in the total amount of not to exceed \$ 1,500.00 for its performance of this contract.

3.2. Within 30 calendar days after the effective date of this contract, CAPCOG agrees to pay Public Agency \$ 1,500.00 for the purchase of supplies authorized by the current *Strategic Plan*. Public Agency agrees to certify in writing to CAPCOG, within 30 calendar days after this contract ends or is terminated early, that it expended all or a specified portion of the amount received to purchase supplies, and to refund to CAPCOG any unexpended portion

3.3. If Public Agency made expenditures under this contract in violation of applicable law or policy described in Sec. 6, Public Agency agrees to repay CAPCOG for those expenditures within 60 calendar days from the date CAPCOG notifies Public Agency of the repayment amount due and the reason repayment is required. If Public Agency does not repay the reimbursement when required, CAPCOG may refuse to purchase 9-1-1 equipment on Public Agency's behalf and may withhold all or part of the unpaid reimbursement from Public Agency's future entitlement to reimbursement under this or future interlocal contracts between the parties for PSAP maintenance, equipment upgrade, and training.

3.4. (a) Before the 60-day repayment period expires, Public Agency may appeal in writing to CAPCOG its determination that Public Agency repay the reimbursement, explaining why it believes the determination is wrong, or Public Agency may request CAPCOG in writing to extend the 60-day repayment period, proposing an alternative period and justifying its need, or it may both appeal and propose an extension. CAPCOG agrees to submit the appeal or proposal or both to the Texas Commission on State Emergency Communications with its recommendation and to furnish Public Agency with a copy of its recommendation. The Commission's decision on Public Agency's appeal or proposal or both is final.

(b) The appeal authorized by Sec. 3.4 (a) is the only mechanism for challenging CAPCOG's determination under Sec. 3.3 that Public Agency repay the reimbursement. The early termination provisions of Sec. 10 and dispute resolution process of Sec. 11 are not available to challenge CAPCOG's determination.

Sec. 4. Effective Date and Term of Contract

4.1. This contract takes effect September 1, 2008 and it ends, unless sooner terminated under Sec. 10, on August 31, 2009.

Sec. 5. Performance Reports

5.1. Public Agency agrees to report quarterly to CAPCOG on its performance of this contract using the CAPCOG 9-1-1 PSAP Quarterly Report, Attachment A to this contract.

5.2. The first Report is due December 15, 2008, the second March 15, 2009, the third June 15, 2009, and the last Report is due September 15, 2009.

Sec. 6. Compliance with Applicable Law and Policy

6.1. Public Agency agrees to comply with all applicable law and policy in carrying out this contract. Applicable law and policy include but are not limited to the State Administration of Emergency Communications Act, chapter 771, Texas Health and Safety Code; rules implementing the Act contained in title I, part XII, Texas Administrative Code; the current *Uniform Grant Management Standards* (Governor's Office of Budget and Planning); Texas Commission on State Emergency Communications, *9-1-1 PROGRAMS Policies and Procedures* and *Program Policy Statements*; and CAPCOG's *9-1-1 Policies and Procedures Manual* and *ENS Policies & Procedures*.

Sec. 7. Independent Contractor, Assignment and Subcontracting

7.1. Public Agency is not an employee or agent of CAPCOG, but furnishes goods and services under this contract solely as an independent contractor.

7.2. Public Agency may not assign its rights or subcontract its duties under this contract without the prior written consent of CAPCOG. An attempted assignment or subcontract in violation of this Sec. 7.2 is void.

7.3. If CAPCOG consents to subcontracting, each subcontract is subject to all of the terms and conditions of this contract, and Public Agency agrees to furnish a copy of this contract to each of its subcontractors.

Sec. 8. Records and Monitoring

8.1. Public Agency agrees to maintain financial, statistical, and ANI/ALI records adequate to document its performance, costs, and receipts under this contract. Public Agency agrees to maintain these records at Public Agency's offices.

8.2. Subject to the additional requirement of Sec. 8.3, Public Agency agrees to preserve the records for three state fiscal years after receiving its final payment under this contract.

8.3. If an audit of or information in the records is disputed or the subject of litigation, Public Agency agrees to preserve the records until the dispute or litigation is finally concluded, regardless of the expiration or early termination of this contract.

8.4. CAPCOG is entitled to inspect and copy, during normal business hours at Public Agency's offices where they are maintained, the records maintained under this contract for as long as they are preserved. CAPCOG is also entitled to visit Public Agency's offices, talk to its personnel, and audit its records, all during normal business hours, to assist in evaluating its performance under this contract.

8.5. CAPCOG will at least once per year visit Public Agency's offices and monitor its performance of this contract to ensure compliance with applicable law and policy described in Sec. 6. CAPCOG will provide Public Agency a written monitoring report within 30 calendar days of the visit. The report will describe any compliance issues and schedule a follow-up visit if necessary.

8.6. CAPCOG agrees to notify Public Agency at least 24 hours in advance of any intended visit under this Sec. 8. Upon receipt of CAPCOG's notice, Public Agency agrees to notify the appropriate department(s) specified in the notice.

8.7. The Texas Commission on State Emergency Communications and the Texas State Auditor have the same inspection, copying, and visitation rights as CAPCOG.

Sec. 9. Nondiscrimination and Equal Opportunity

9.1. Public Agency shall not exclude anyone from participating under this contract, deny anyone benefits under this contract, or otherwise unlawfully discriminate against anyone in carrying out this contract because of race, color, religion, sex, age, disability, handicap, veteran status, or national origin.

9.2. If Public Agency procures goods or services with funds made available under this contract, Public Agency agrees to comply with CAPCOG's affirmative action procurement policy, which is set out in CAPCOG's *9-1-1 Policies and Procedures Manual*.

Sec. 10. Suspension and Early Termination of Contract

10.1. Public Agency acknowledges that CAPCOG's sole source of funding for this contract is a legislative appropriation distributed under contract between CAPCOG and the Texas Commission on State Emergency Communications. If the Commission does not make timely payments to CAPCOG under its contract, CAPCOG may suspend payment to Public Agency under this contract by giving Public Agency notice of the suspension. The suspension is effective five business days after Public Agency's receipt of the notice. Upon suspension of payment, Public Agency's obligations under this contract are also suspended until CAPCOG resumes payment. If the suspension continues for a cumulative total of 30 or more calendar days, or if the Commission terminates its contract with CAPCOG, CAPCOG or Public Agency may terminate this contract by giving the other notice of termination, and this contract terminates five business days after the receipt of notice.

10.2. Except as provided in Secs. 3.3 and 3.4, if CAPCOG or Public Agency breaches a material provision of this contract, the other may notify the breaching party describing the breach

and demanding corrective action. The breaching party has five business days from its receipt of the notice to correct the breach, or to begin and continue with reasonable diligence and in good faith to correct the breach. If the breach cannot be corrected within a reasonable time, despite the breaching party's reasonable diligence and good faith effort to do so, the parties may agree to terminate the contract or either party may invoke the dispute resolution process of Sec. 11.

10.3. If CAPCOG suspends payment to Public Agency under Sec. 10.1, or if this contract is terminated under Sec. 10.1 or 10.2, CAPCOG and Public Agency are each entitled to compensation for goods and services each provided the other before receiving notice of the suspension or termination. However, neither CAPCOG nor Public Agency is liable to the other for costs it paid or incurred under this contract after or in anticipation of its receipt of notice of suspension or termination.

10.4. Termination for breach under Sec. 10.2 does not waive either party's claim for damages resulting from the breach, and both CAPCOG and Public Agency among other remedies may withhold from compensation owed the other an amount necessary to satisfy its claim against the other.

10.5. The ending of this contract under Sec. 4 or its early termination under this Sec. 10 does not affect Public Agency's duty:

(1) to repay CAPCOG for expenditures made in violation of applicable law or policy in accordance with paragraphs 3.3 and 3.4;

(2) to preserve its records and permit inspection, copying, and auditing of its records and visitation of its premises and personnel under Sec. 8.

Sec. 11. Dispute Resolution

11.1. The parties desire to resolve disputes arising under this contract without litigation. Accordingly, if a dispute arises, the parties agree to attempt in good faith to resolve the dispute between themselves. To this end, the parties agree not to sue one another, except to enforce compliance with this Sec. 11, toll the statute of limitations, or seek an injunction, until they have exhausted the procedures set out in this Sec.

11.2. At the written request of either party, each party shall appoint one nonlawyer representative to negotiate informally and in good faith to resolve any dispute arising under this contract. The representatives appointed shall determine the location, format, frequency, and duration of the negotiations.

11.3. If the representatives cannot resolve the dispute within 30 calendar days after the first negotiation meeting, the parties agree to refer the dispute to the Dispute Resolution Center of Austin for mediation in accordance with the Center's mediation procedures by a single mediator assigned by the Center. Each party shall pay half the cost of the Center's mediation services.

11.4. The parties agree to continue performing their duties under this contract, which are unaffected by the dispute, during the negotiation and mediation process.

11.5. If mediation does not resolve the parties' dispute, the parties may pursue their legal and equitable remedies.

Sec. 12. Notice to Parties

12.1. Notice to be effective under this contract must be in writing and received by the party against whom it is to operate. Notice is received by a party: (1) when it is delivered to the party personally; (2) on the date shown on the return receipt if mailed by registered or certified mail, return receipt requested, to the party's address specified in Sec. 12.2 and signed for on behalf of the party; or (3) three business days after its deposit in the United States mail, with first-class postage affixed, addressed to the party's address specified in Sec. 12.2.

12.2. CAPCOG's address is P.O. Box 17848, Austin, TX 78760-7848, Attention: Executive Director. Public Agency's address is _____
Attention: _____

12.3. A party may change its address by providing notice of the change in accordance with Sec. 12.1.

Sec. 13. Miscellaneous

13.1. Each individual signing this contract on behalf of a party warrants that he or she is legally authorized to do so and that the party is legally authorized to perform the obligations undertaken.

13.2. This contract states the entire agreement of the parties, and an amendment to it is not effective unless in writing and signed by all parties.

13.3. Attachment A, CAPCOG 9-1-1 PSAP Quarterly Report, is part of this contract.

13.4. This contract is binding on and inures to the benefit of the parties' successors in interest.

13.5. This contract is executed in duplicate originals.

<p>_____ TRAVIS COUNTY _____</p> <p>By _____</p> <p>Name _____</p> <p>Title _____</p> <p>Date _____</p>	<p>CAPITAL AREA COUNCIL OF GOVERNMENTS</p> <p>By _____</p> <p>Betty Voights Executive Director</p> <p>Date _____</p>
---	--



ATTACHMENT A

CAPCOG 9-1-1 PSAP QUARTERLY REPORT

**Capital Area
Council of
Governments**

2512 IH 35 South
Suite 200
Austin, Texas 78704
512.916.6000
Fax 512.916.6001
www.capcog.org

PSAP Name: _____

PSAP Supervisor: _____

PSAP Contact Number: _____

PSAP Address: _____

Quarter: 1st 2nd 3rd 4th

Bastrop

Total Training Hours Received: _____

Blanco

Number of TDD Calls Received: _____

Burnet

Number to TDD Test Calls Made: _____

Caldwell

*Note TDD Test are required monthly, and a copy of the printout of each test call should be included with this report.

Fayette

Number of trouble calls to service provider: _____

Hays

Hardware (workstation/host) trouble calls: _____

Network trouble calls: _____

Lee

9-1-1 Service Outage:
please advise date, time, length of outage and cause of outage if known: _____

Llano

Travis

Number of Public Education Presentations/Events: _____

Williamson

Adult _____ **Kids** _____ **Spanish Speaking** _____ **Special Needs** _____

Counties

*Please explain on an attached, separate sheet any item that your agency is unable to calculate or obtain.

Note that Quarterly reports are due on or before: 12/15/08; 3/15/09; 6/15/09; 9/15/09



TRAVIS COUNTY PURCHASING OFFICE

Cyd V. Grimes, C.P.M., Purchasing Agent

314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

14

Approved by: _____

Cyd V. Grimes 7/28/08

Voting Session: Tuesday, August 5, 2007

REQUESTED ACTION: APPROVE MODIFICATION NO. 1 TO JOB #2, CONTRACT NO. 07K00304JW, PAVEMENT RESTORATION, INC., ASPHALT REJUVENATION PROGRAM, (TNR)

Points of Contact:

Purchasing: Jason G. Walker

Department: (TNR), Joe Gieselman, Executive Manarer, Don Ward

County Attorney (when applicable): John Hille

County Planning and Budget Office: Leroy Nellis

County Auditor's Office: Susan Spataro, Jose Palacios

Other:

- **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes.

TNR requests the approval of change order number one (1) for Job #2 to contract no. 07K00304JW. This modification is to provide preventative maintenance to additional roads for Precinct's 2 and 3. The change order will increase Job #2 by \$78,588.00, an increase of 21% of the Job #2 amount, \$363,872.00. Job #2 was authorized to begin with a Notice to Proceed dated 7/18/08.

Contract no. 07K00304JW was awarded by the Commissioners Court on August 14, 2007. This contract is on an "as-needed" basis, with a unit price of \$0.80 per square yard. Job #1, in the amount of \$372,312.41, was authorized to begin with a Notice to Proceed dated 10/9/07.

- **Contract Expenditures:** Within the last 11 months \$736,184.41 has been spent against this contract.

Not applicable

➤ **Contract-Related Information:**

Award Amount: \$0.80 per square yard on "as-needed" basis (Estimated quantity)
 Contract Type: Construction
 Contract Period: 8/14/07 - 8/13/08

➤ **Contract Modification Information:**

Modification Amount: \$78,588.00 (See Additional Procurement Comments)

Modification Type: Construction

Modification Period: 8/14/07 - 8/13/08

➤ **Solicitation-Related Information:**

Solicitations Sent: N/A

Responses Received: N/A

HUB Information: Not Applicable

% HUB Subcontractor: N/A

➤ **Special Contract Considerations:**

Award has been protested; interested parties have been notified.

Award is not to the lowest bidder; interested parties have been notified.

Comments:

➤ **Funding Information:**

Purchase Requisition in H.T.E.: 445142

Funding Account(s): 099-4941-621-8164

Comments: as-needed basis

➤ **Statutory Verification of Funding:**

Contract Verification Form: Funds Verified ___ Not Verified X by Auditor.

TRAVIS COUNTY - TNR
Change Order No. Contract

Approval of this following change in the Plans and/or Specifications is requested: Field Change Request No. 1
 Limits: Additional Roadways for Rejuvenation see attached Project List Plan Sheet No.

Description:
 Apply Asphalt Rejuvenation to Additional Streets to provide Preventative Maintenance

CONTRACTOR: Pavement Restoration, Inc.
 5423 N. 58th Street, Tampa, FL 33610

This field change is requested for the following reason(s): To take advantage of the current price prior to a price increase in August 2008.

BID ITEM NO.	BID ITEM DESCRIPTION	UNIT TYPE	CURRENT CHANGE ORDER QUANTITIES			REVISED CONTRACT QUANTITIES			CURRENT CONTRACT QUANTITIES		
			C.O. QTY	UNIT PRICE(S)	AMOUNT	QTY	UNIT PRICE(S)	AMOUNT	QTY	UNIT PRICE(S)	PREVIOUS AMOUNT
	Asphalt Rejuvenation	YLF	80,235.00	0.80	79,986.00	553,078.00	0.80	442,460.00	454,840	0.80	363,872.16
TOTAL					\$ 79,986.00			\$ 442,460.00			\$ 363,872.16

Material(s) Asphalt Rejuvenation NET OVERRUN(UNDERRUN) 442,460.00
 Services(s) Asphalt Rejuvenation NET OVERRUN(UNDERRUN) 442,460.00
TOTAL 79,986.00 **TIME Extension:** 0 Days

REQUESTED BY: _____
 Date 7/08/08

CONTRACTOR: _____
 Date _____

RECOMMENDED FOR APPROVAL BY:

Donald W. Ward 7/10/08
 Division Director, Planning & Engineering Date
Donald W. Ward 7/10/08
 Construction Manager Date

APPROVED:

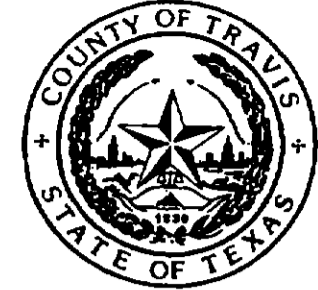
Clare B. Gylfe 07/21/08
 TNR Executive Manager Date
Carl V. Brine 7/28/08
 Purchasing Agent Date

_____ _____
 County Judge Date

PRE	Road Name	Begin	Ending	Square Yards
3	BLUE RIDGE TRL	ROCKPARK DR	BROOKHAVEN TRL	4825
3	BLUE RIDGE TRL	BEE CAVES RD	ROCKPARK DR	1839
3	BRIARWOOD TRL	WESTBROOK DR	BROOKHAVEN TRL	2052
3	BROOKHAVEN TRL	WESTWOOD TER	BLUE RIDGE TRL	2866
3	BROOKHAVEN TRL	BLUE RIDGE TRL	WESTBROOK DR	3422
3	BULIAN LN	BEE CAVES RD	INDIAN SPGS	3068
3	BULIAN LN	INDIAN SPGS	WESTLAKE CLL	5108
2	CLAUDIA JUNE AVE	ROBERT I WALKER	ROBERT I WALKER	2918
3	CONSTANT SPRINGS DR	RIFFLE CREEK DR	MOON RIVER RD	2340
3	CONSTANT SPRINGS DR	MOON RIVER RD	END	1384
2	DONALD DR	CLAUDIA JUNE AVE	TOWN HILL DR	2492
2	DOWD LN	ROBERT I WALKER	ROBERT I WALKER	4377
3	GREY FOX TRL	BLUE RDG	BULIAN LN	1867
3	GREY FOX TRL	BULIAN	END	131
3	HALF MOON CV	CUL-DE-SAC	STONEWALL LN	327
3	HONEYCOMB RDG	South WESTWOOD	North WESTWOOD	
3	INDIAN SPGS	TERRAC	TERRAC	5055
3	INDIAN SPGS	BULIAN LN	WESTBROOK DR	732
2	KLATTENHOFF DR	ROBERT I WALKER	ROBERT I WALKER	2004
3	LAURELWOOD TRL	West WETS BROOK DR Int	Int	1828
3	LAURELWOOD TRL	WESTBRK	BROOKHAVEN TRL	1701
3	MOON RIVER RD	CONSTANT SPG	SILVER HILL DR	2138
3	MOON RIVER RD	WESTBANK DR	SILVER HILL DR	653
3	MULESHOE TRL	BULIAN	END	171
3	OAK VALLEY DR	WESTWOOD TER	CLL WEST LK	740
3	PASAGUARDA DR	RIFFLE CREEK DR	MOON RIVER RD	1752
3	RIFFLE CREEK DR	CONSTANT SPG	PINNACLE RD	1803
2	ROBERT I WALKER BLVD	DOWD LN	TOWN HILL DR	8151
2	ROBERT I WALKER BLVD	TOWN HILL DR	DOWD LN	6172
3	ROCKPARK DR	BULIAN LN	BLUE RIDGE TRL	1821
3	SILVER HILL CIR	SILVER HILL DR	CUL-DE-SAC	1302
3	SILVER HILL DR	PINNACLE RD	SILVER HILL CIR	3810
3	STONEWALL LN	HALF MOON CV	WESTBROOK DR	1599
2	TIPPER LN	CLAUDIA JUNE AVE	TRACY TRL	1787
2	TRACY TRL	DONALD DR	ROBERT I WALKER	1932
3	WESTBROOK DR	INDIAN SPGS	WESTLAKE CLL	4427
3	WESTBROOK WEST	WESTWOOD TER	BRIARWOOD TRL	3818
3	WESTWOOD TERRACE	WESTBRK	END	5189
2	YELLOWLEAF TRL	ALPHA COLLIER DR	BIG HOLLOW DR	2408
2	YELLOWLEAF TRL	QUIET WOOD DR	BIG HOLLOW DR	870
			Total Square Yards	98235
			Cost (Total SY * \$1.80)	\$78,588.00

RECEIVED
TRAVIS COUNTY

2008 JUL 22 AM 8:42



Handwritten:
Austin
7-22-08
JPG

TRANSPORTATION AND NATURAL RESOURCES
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

PURCHASING
OFFICE

411 West 13th Street
Executive Office Building, 11th Floor
P. O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

July 16, 2008

MEMORANDUM (REVISED)

TO: Cyd Grimes, Purchasing Agent
FROM: *Carl B. Engl for*
Joseph P. Gieselman, Executive Manager
SUBJECT: Modification #1 – FY08 Asphalt Rejuvenation Program
Contract # 07K00304JW
PO #395647

TNR requests the approval of change order number one (1) for the above contract. This modification is to provide preventative maintenance to additional roads for Precinct 2 and 3 to take advantage of the current price prior to a price increase next year. This modification will increase the above contract by \$78,588.00 from \$ 363,872.00 to \$ 442,460.00. The \$78,588.00 is encumbered under requisition number 445142 and the commodity/sub-commodity is 968/053.

If you have any questions or require additional information please contact Brunilda Cruz at extension 47679.

BC:JPG:bc

Handwritten: xc: Lee Perry, Purchasing
Don Ward, TNR
Brunilda Cruz, TNR

Account Balance Inquiry

Account number . . . : 99-4941-621.81-64
Fund : 099 ROAD & BRIDGE FUND
Department : 49 TNR (TRANS & NATRL RESRC)
Division : 41 ROAD & BRIDGE MAINTENANCE
Activity basic : 62 INFRA-ENV SCVS (TRNS&RDS)
Sub activity : 1 TNR (TRANS & NATRL RESRC)
Element : 81 CAPITAL OUTLAY
Object : 64 PURCH SVC-INFRASTRCTR RDS

Original budget : 602,825
Revised budget : 3,245,672 07/14/2008
Actual expenditures - current . . . : .00
Actual expenditures - ytd : 1,306,203.25
Unposted expenditures : .00
Encumbered amount : 391,236.95
Unposted encumbrances : .00
Pre-encumbrance amount : 958,063.88
Total expenditures & encumbrances: 2,655,504.08 81.8%
Unencumbered balance : 590,167.92 18.2

F5=Encumbrances **F7=Project data** **F8=Misc inquiry**
F10=Detail trans **F11=Acct activity list** **F12=Cancel** **F24=More keys**

TRAVIS COUNTY
Pre-Encumbrance Detail

Account number: 99-4941-621-81.64
CAPITAL OUTLAY / PURCH SVC-INFRASTRCTR RDS
Position to Requisition number _____
or Po number _____

Type selections, press Enter.

1=Select

Opt	Requisition Number	Purchase Order	Amount	Year	Project
-	0000421376		338,813.49	2008	
-	0000442928		40,662.39	2008	
-	0000444681		500,000.00	2008	
-	0000445142		78,588.00	2008	

F12=Cancel

PURCHASE REQUISITION NBR: 0000445142
 REQUISITION BY: BRUNILDA CRUZ 854-7679
 STATUS: AUDITOR APPROVAL
 REASON: 53933 ROADS CIP MOD PO#395647 CONT 07K00304JW
 DATE: 7/15/08
 SHIP TO LOCATION: TNR ADMIN - 11TH FLR
 SUGGESTED VENDOR: 67420 PALMETTO PRIME OF TAMPA, INC.
 DELIVER BY DATE: 7/15/08

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	PCT. 1 - 4 ASPHALT REJUVENATION APPLICATION PRECINCT 2 ROADS 233,278 SY @.80 (ORIGINAL AMT) CO#1. ADDITIONAL STREETS TO PROVIDE PREVENTATIVE MAINTENANCE PRIOR TO A PRICE INCREASE IN AUGUST 2008. ***** THIS AMOUNT WILL INCREASE THE CONTRACT FROM \$363,872.00 TO \$442,460.00. ***** ADJUSTED AMT 261,450.50 @ .80 COMMODITY: PUBLIC WORKS/CONSTRUCTION SUBCOMM: MAJOR ROADS-RESURFACING INVENTORY BUILDING: Z1 STOCK NO: 968-053-00055	28172.50	SY	.8000	22538.00	
2	PCT. 1 - 4 ASPHALT REJUVENATION APPLICATION PRECINCT 3 ROADS 174,466 SY @ .80 (ORIGINAL AMT) ***** ADJUSTED AMT 244,528.50 SY @.80 COMMODITY: PUBLIC WORKS/CONSTRUCTION SUBCOMM: MAJOR ROADS-RESURFACING INVENTORY BUILDING: Z1 STOCK NO: 968-053-00055	70062.50	SY	.8000	56050.00	

REQUISITION TOTAL: 78588.00

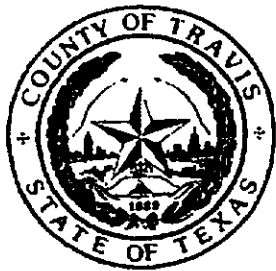
ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	09949416218164	CAPITAL OUTLAY	22538.00
2	09949416218164	PURCH SVC-INFRASTRCTR RDS	56050.00
		CAPITAL OUTLAY	
		PURCH SVC-INFRASTRCTR RDS	78588.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

20080715 RT



TRAVIS COUNTY PURCHASING OFFICE

Cyd V. Grimes, C.P.M., Purchasing Agent

314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9183

15

Cyd V. Grimes 7/28/08

Approved by: _____

Voting Session: Tuesday, August 5, 2008

REQUESTED ACTION: APPROVE MODIFICATION NO.1 TO CONTRACT NO. 07T00374NB, AUSTIN RECLAIM MATERIAL d/b/a AUSTIN AGGREGATES, FOR ASSORTED CONSTRUCTION SANDS. (TNR)

Points of Contact:

Purchasing: Nancy Barchus 854-9764

Department: TNR, Joe Gieselman, Executive Manager, Christina Jensen, 854-9383

County Attorney (when applicable): John Hille, 854-9415

County Planning and Budget Office: Leroy Nellis

County Auditor's Office: Susan Spataro and Jose Palacios

Other:

➤ **Purchasing Recommendation and Comments:**

Purchasing concurs with department and recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes.

This contract, approved by Commissioners Court on January 8, 2008, requires the vendor to supply Assorted Construction Sands to Transportation and Natural Resources.

Modification No. 1 adds USGA Golf Sand and shipping charges to the contract. USGA Golf Sand is material needed for top dressing of sports fields Per Commissioner Court approved turf management policy, which was passed on July 18, 2006.

➤ **Contract Expenditures:**

Within the past 5 months, no money has been spent on this contract. Open market purchases for USGA Golf Sand have totaled \$11,413.42 within the past 5 months.

➤ **Contract-Related Information:**

Award Amount: Estimated requirements, as needed basis

Contract Type: Annual

Contract Period: January 30, 2008 through January 29, 2009

➤ **Funding Information:**

- Purchase Requisition in H.T.E.:
- Funding Account: 001-4945-631-3064
- Comments: Requisitions will be entered into H.T.E. as needed.

➤ **Statutory Verification of Funding:**

Contract Verification Form: Funds Verified _____ Not Verified _____ by Auditor.

MODIFICATION OF CONTRACT NUMBER: <u>07T00374-NB, Construction Sand</u>		PAGE 1 OF 1 PAGE
ISSUED BY: PURCHASING OFFICE 314 W. 11TH ST., RM 400 AUSTIN, TX 78701	PURCHASING AGENT ASST: Nancy Barchus TEL. NO: (512) 854-9700 FAX NO: (512) 854-9185	DATE PREPARED: July 17, 2008
ISSUED TO: Austin Reclaim Material d.b.a Austin Aggregates Attn: Troy Carter P.O. Box 27935 Austin, TX 78755-7935	MODIFICATION NO.: 0001	EXECUTED DATE OF ORIGINAL CONTRACT: January 8, 2008
ORIGINAL CONTRACT TERM DATES: <u>January 30, 2008 through January 29, 2009</u>		CURRENT CONTRACT TERM DATES: <u>January 30, 2008 through January 29, 2009</u>
FOR TRAVIS COUNTY INTERNAL USE ONLY: Original Contract Amount: \$ <u>N/A (as needed)</u> Current Modified Amount \$ _____		
DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.		
The purpose of this modification is to add the following like item products to the list of items available on contract:		
<u>Product:</u>	<u>Amount:</u>	
USGA Golf Sand	\$13.00 per ton	
Shipping Charges	Amount will vary with fuel costs	
Note to Vendor: [X] Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County. [] DO NOT execute and return to Travis County. Retain for your records.		
LEGAL BUSINESS NAME: <u>AUSTIN RECLAIMED MATERIALS</u> BY: <u>[Signature]</u> SIGNATURE BY: <u>TROY CARTER</u> PRINT NAME TITLE: <u>OPERATIONS MANAGER</u> ITS DULY AUTHORIZED AGENT	<input type="checkbox"/> DBA <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER DATE: <u>7/18/08</u>	
TRAVIS COUNTY, TEXAS BY: <u>[Signature]</u> CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT	DATE: <u>7/28/08</u>	
TRAVIS COUNTY, TEXAS BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	DATE:	

RECEIVED
TRAVIS COUNTY

2008 JUL 21 PM 3:47



TRANSPORTATION AND NATURAL RESOURCES PURCHASING
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER OFFICE

411 West 13th Street
Executive Office Building, 11th Floor
P. O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

July 17, 2008

MEMORANDUM

TO: Cyd Grimes, County Purchasing Agent
Joseph P. Gieselman
FROM: Joseph P. Gieselman, Executive Manager

SUBJECT: Contract Modification – Assorted Construction Sands – 07T00374NB

TNR is requesting that the above referenced contract be modified to include USGA Golf Sand as an additional contract item.

The commodity/sub-commodity code for Sand is 750/077. The budget line item is 001-4945-631-3064.

If you need additional information, please contact Christina Jensen at (512) 854-7670.

CJ CJ:JPG:cj
Contract File

TRAVIS COUNTY
Account Balance Inquiry

7/22/08
14:17:23

Fiscal Year	:	2008
Account number	:	1-4945-631.30-64
Fund	:	001 GENERAL FUND
Department	:	49 TNR (TRANS & NATRL RESRC)
Division	:	45 PARK SERVICES
Basic activity	:	63 COMM-ECON DEV (PKS & REC)
Sub activity	:	1 PITD (PARKS)
Element	:	30 OPERATG, SUPPLIES, RP&E
Object	:	64 RD MATERIALS/NONASPHALTIC

Budget	:	71,612
Encumbered amount	:	7,667.11
Pre-encumbered amount	:	20,429.50
Expenditures	:	22,911.78
Total expenditures	:	51,008.39
Balance	:	20,603.61

Press Enter to continue.

F3=Exit F12=Cancel



TRAVIS COUNTY PURCHASING OFFICE

Cyd V. Grimes, C.P.M., Purchasing Agent

314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

16

Approved by: _____

Cyd V. Grimes 7/30/08 AB

Voting Session: Tuesday, August 5, 2008

REQUESTED ACTION: APPROVE TWELVE-MONTH EXTENSION (MODIFICATION NO. 7) TO CONTRACT NO. PS020281LB, JOHN S. FORD, FOR PSYCHIATRIC SERVICES. (SHERIFF'S OFFICE)

Points of Contact:

Purchasing: Michael Long

Department: Sheriff's Office; Sheriff Greg Hamilton, Maria Wedhorn, Mike Summers

County Attorney (when applicable): Jim Connolly

County Planning and Budget Office: Leroy Nellis

County Auditor's Office: Susan Spataro and Jose Palacios

Other:

➤ **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes.

- Modification 7 extends the term of this contract from October 1, 2008 through September 30, 2009 as provided in Paragraph 2.2. Numerous attempts were made to hire a full-time psychiatrist (County employee) with only one applicant showing interest and eventually declining the position. A part-time psychiatrist was hired to assist with psychiatric services allowing Dr. Ford's schedule to change slightly. Dr. Ford's annual salary of \$252,000 remains the same.
- Modification 6 extended the contract from October 1, 2007 through September 30, 2008. The contract amount changed from \$240,000.00 per year to \$252,000.00 per year, an increase of \$12,000.00 per year. The Sheriff's Office anticipated hiring a full time Psychiatrist (County employee) within the next 3 to 6 months. Within 30 days of hiring the full time psychiatrist, a contract modification would be issued to reflect a decrease in the scope of services and salary of Dr. Ford's contract at which time Dr. Fords salary would decrease from \$252,000.00 to \$171,000.00 annually.
- Modification 5 rescinded the letter of resignation dated May 9, 2007 and increased Dr. Fords contract amount from \$15,141.00 monthly to \$18,000 monthly through July 31, 2007. For the months of August and September of 2007, an increase from \$18,000.00 monthly to \$20,000 monthly was approved by the Court. The total increase for 3 months totaled \$12,577.00

- Modification 4 extended the term of this contract through September 30, 2007 as provided in Paragraph 2.2.
- Modification 3 extended the term of this contract through September 30, 2006 as provided in Paragraph 2.2.
- Modification 2 reduced Dr. Ford's annual salary from \$174,992 to 169,992 due to the cancellation of a one time \$5,000 increase in FY 04. The amount of \$18,984, paid annually for Dr. Fords medical malpractice insurance premium allowance was approved by the Sheriff's Department to be increased up to a maximum of \$19,200 . The total cost for FY '05 was an amount not to exceed \$189,192.
- Modification 1 increased Dr. Ford's annual salary from \$169,992 to \$174,992 to allow for a one time increase of \$5,000 for a capital contribution to his Texas Medical Liability Trust surplus account. An increase for his annual medical malpractice insurance premium allowance from \$15,000 to \$18,984 was also approved by the Sheriff's Department and both would go into effect October 1, 2003 through September 30, 2004. The total cost for FY 04 was an amount not to exceed \$193,976.
- The Sheriff's Office requested a contract for professional inmate psychiatric services which was executed October 22, 2002.

➤ **Contract Expenditures:** Within the last 12 months \$ 168,000.00 has been spent against this contract.

Not applicable

➤ **Contract-Related Information:**

Award Amount: An amount not to exceed \$184,992

Contract Type: Professional Service

Contract Period: October 1, 2002-September 30, 2003

➤ **Contract-Related Information:**

Modification Amount: N/A

Modification Type: Professional Service

Modification Period: October 1, 2008 through September 2009

➤ **Solicitation-Related Information:**

Solicitations Sent: N/A

Responses Received: N/A

HUB Information: N/A

% HUB Subcontractor: N/A

➤ **Special Contract Considerations:**

- Award has been protested; interested parties have been notified.
- Award is not to the lowest bidder; interested parties have been notified.
- Comments:

➤ **Funding Information:**

- Purchase Requisition in H.T.E.:
- Funding Account(s) 001 3749 581 6315
- Comments: Funding will be encumbered in FY 09 from the general fund

➤ **Statutory Verification of Funding:**

- Contract Verification Form: Funds Verified _____ Not Verified _____ by Auditor.

MODIFICATION OF CONTRACT NUMBER: PS020281LB Psy. Services

ISSUED BY: PURCHASING OFFICE 314 W. 11TH ST., RM 400 AUSTIN, TX 78701	PURCHASING AGENT ASST: Michael Long TEL. NO: (512) 8544850 FAX NO: (512) 854-9185	DATE PREPARED: July 8, 2008
---	--	---------------------------------------

ISSUED TO: John S. Ford, MD 515 Coventry Road Spicewood, TX 78669	MODIFICATION NO.: 7	EXECUTED DATE OF ORIGINAL CONTRACT: October 22, 2002
---	-------------------------------	--

ORIGINAL CONTRACT TERM DATES: 10/1/02 - 6/30/04 CURRENT CONTRACT TERM DATES: 10/1/08 - 9/30/09

FOR TRAVIS COUNTY INTERNAL USE ONLY:

Original Contract Amount: 184,992.00 Current Modified Amount 252,000.00.

DESCRIPTION OF CHANGES: Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.

- The contract period is changed from October 1, 2007 - September 30, 2008 to October 1, 2008 - September 30, 2009, a 12 month extension which will be funded in the amount of \$252,000.00

RECEIVED
 TRAVIS COUNTY
 PURCHASING
 OFFICE
 2008 JUL 14 PM 2:41

Note to Vendor:

- Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County.
- DO NOT execute and return to Travis County. Retain for your records.

LEGAL BUSINESS NAME: <u>John S. Ford M.D.</u>	<input type="checkbox"/> DBA
BY: <u>John S. Ford, M.D.</u> SIGNATURE	<input type="checkbox"/> CORPORATION
BY: <u>John S. Ford, M.D.</u> PRINT NAME	<input type="checkbox"/> OTHER
TITLE: _____	DATE: <u>14 July '08</u>

TRAVIS COUNTY, TEXAS	DATE:
BY: <u>Cyd V. Grimes</u> CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT	<u>7/30/08</u>

TRAVIS COUNTY, TEXAS	DATE:
BY: _____ SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE	



TRAVIS COUNTY PURCHASING OFFICE

Cyd V. Grimes, C.P.M., Purchasing Agent

314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

17

Approved by: _____

Cyd V. Grimes 7/29/08

Voting Session: Tuesday, August 5, 2008

REQUESTED ACTION: APPROVE MODIFICATION NO. 4 TO CONTRACT NO. 06AE0187LP, SOUTH WEST METRO PARK – DESIGN SERVICES, LAND DESIGN PARTNERS. (TNR)

Points of Contact:

Purchasing: J. Lee Perry

Department: TNR; Joseph P. Gieselman, Executive Manager, Roger Schuck, Project Manager

County Attorney (when applicable): John Hille

County Planning and Budget Office: Leroy Nellis

County Auditor’s Office: Susan Spataro and Jose Palacios

Other:

- This modification is issued to correct mathematical errors reflected on Modification No. 3, and thereafter to incorporate phase 3 “Design Phase” work into the contract.
- TNR requests the approval of Modification number four (4) for the above contract, which will incorporate additional services into Phase 3 the “Design Phase,” to include modifying the park entrance at Hamilton Pool Road to improve traffic safety, shifting the location of the park maintenance building to better accommodate park operations, revising both its access road, and on-site sewage treatment system, and revising the design of one parking area to improve operations.
- The changes in Modification 4 will increase the contract by \$71,601.00, from \$824,190.72 to \$895,791.72.
- TNR believes the fees for the services described above to be fair, equitable and reasonable.
- **Contract Expenditures:** Within the last 12 months \$279,718.42 has been spent against this contract.

Not applicable

➤ **Contract-Related Information:**

Award Amount: \$193,340.00

Contract Type: (Professional Services Agreement)

Contract Period: Through completion

Contract Modification Information:

Modification Amount: \$895,791.72 (Firm Amount)

Modification Type: Professional Services

Modification Period: Through Completion

➤ **Solicitation-Related Information:**

Solicitations Sent: N/A

Responses Received: N/A

HUB Information: Not Applicable

% HUB Subcontractor: N/A

➤ **Special Contract Considerations:**

- Award has been protested; interested parties have been notified.
- Award is not to the lowest bidder; interested parties have been notified.
- Comments: N/A

➤ **Funding Information:**

- Purchase Requisition in H.T.E.: 444400
- Funding Account: 472-4945-809-8120
- Comments: Purchase Order No. 346396

➤ **Statutory Verification of Funding:**

- Contract Verification Form: Funds Verified ___ Not Verified ___ by Auditor.
- Not Applicable

MODIFICATION OF CONTRACT NUMBER: 06AE0187LP Southwest Metro Park Design Services PAGE 1 OF 7 PAGES

ISSUED BY: PURCHASING OFFICE 314 W. 11TH ST., RM 400 AUSTIN, TX 78701	PURCHASING AGENT ASST: J. Lee Perry TEL. NO: (512) 854-9700 FAX NO: (512) 854-9185	TRAVIS COUNTY JUL 17 2008 7:45 PM	DATE PREPARED: July 15, 2008
ISSUED TO: Land Design Partners, Inc. Attn: Brent Luck 221 West Sixth Street, Suite 300 Austin, Texas 78701	MODIFICATION NO.: 4	PURCHASING OFFICE	EXECUTED DATE OF ORIGINAL CONTRACT: August 24, 2006
ORIGINAL CONTRACT TERM DATES: <u>August 24, 2006 - Through Completion</u>		CURRENT CONTRACT TERM DATES: <u>August 24, 2006 - Through Completion</u>	

FOR TRAVIS COUNTY INTERNAL USE ONLY:
Original Contract Amount: \$193,340.00 Current Modified Amount \$895,791.72

DESCRIPTION OF CHANGES: The above referenced contract is modified to reflect the changes as set forth below:

A. This modification is issued to correct mathematical errors reflected on Modification No. 3, and thereafter to incorporate phase 3 "Design Phase" work into the contract.

B. Modification No. 3 is corrected as follows; In paragraph A. Fixed Fee amount is reflected as \$199,373.00 and should read \$197,617.00. Also in paragraph A. the revised Fixed Fee amount reflects \$793,740.72 and should read \$791,984.72. In paragraph B and C. the revised reimbursable amount is reflected as \$32,306.00 and should read \$32,206.00.

C. The following now address additional work to be incorporated into the contract.

D. In accordance with Exhibit 1, Section 1.1 - The fixed fee for the performance of Basic Services is changed from \$791,984.72 (as awarded by modification No. 3, dated November 15, 2007) to \$863,585.72, an increase of \$71,601.00 as per the attached additional service fee estimate, This amount is comprised as follows:
Exhibit 1, Section 1.1.1,
(iii) Phase 3: Design Phase: \$71,601.00, is hereby added to the contract

E. In addition to the attached maps, the services described below, are made part of the current scope of work, consisting of the following;
Modify the park entrance at Hamilton Pool Road to improve traffic safety, shifting the location of the park maintenance building to better accommodate park operations, revising both it's access road, and on-site sewage treatment system, and revising the design of one parking area to improve operations.

F. Reference Exhibit 1, Section 5 - Total Agreement Sum, is changed from an NTE amount of \$824,190.72 (\$791,984.72 Basic Services and NTE \$32,206.00, Reimbursable Expenses) to \$895,791.72 (\$863,585.72 Basic Services, and NTE \$32,206.00 Reimbursable Expenses), an increase of \$71,601.00.

Except as provided herein, all terms, conditions, and provisions of the document referenced above as heretofore modified, remain unchanged and in full force and effect.

Note to Vendor:
[XXX] Complete and execute (sign) your portion of the signature block section below for all copies and return all signed copies to Travis County.
[] DO NOT execute and return to Travis County. Retain for your records.

LEGAL BUSINESS NAME:	<input type="checkbox"/> DBA
BY: <i>[Signature]</i> SIGNATURE	<input checked="" type="checkbox"/> CORPORATION
BY: <i>Danl Benkend offer</i> PRINT NAME	<input type="checkbox"/> OTHER
TITLE: <i>President</i> ITS DULY AUTHORIZED AGENT	DATE: <i>7/17/08</i>

TRAVIS COUNTY, TEXAS	DATE:
BY: <i>[Signature]</i> CYD V. GRIMES, C.P.M., TRAVIS COUNTY PURCHASING AGENT	<i>7/28/08</i>

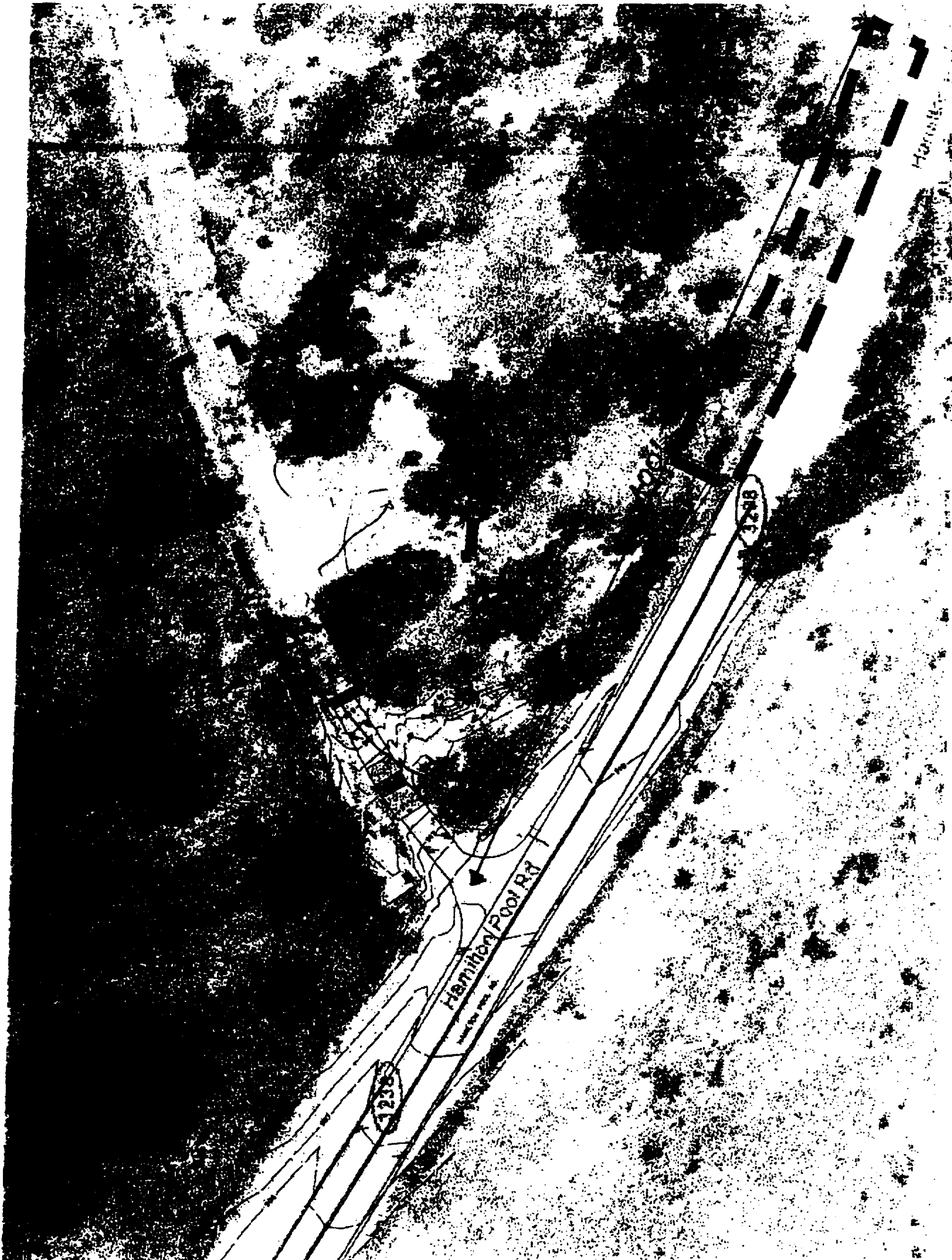
TRAVIS COUNTY, TEXAS	DATE:
BY: <u>SAMUEL T. BISCOE, TRAVIS COUNTY JUDGE</u>	

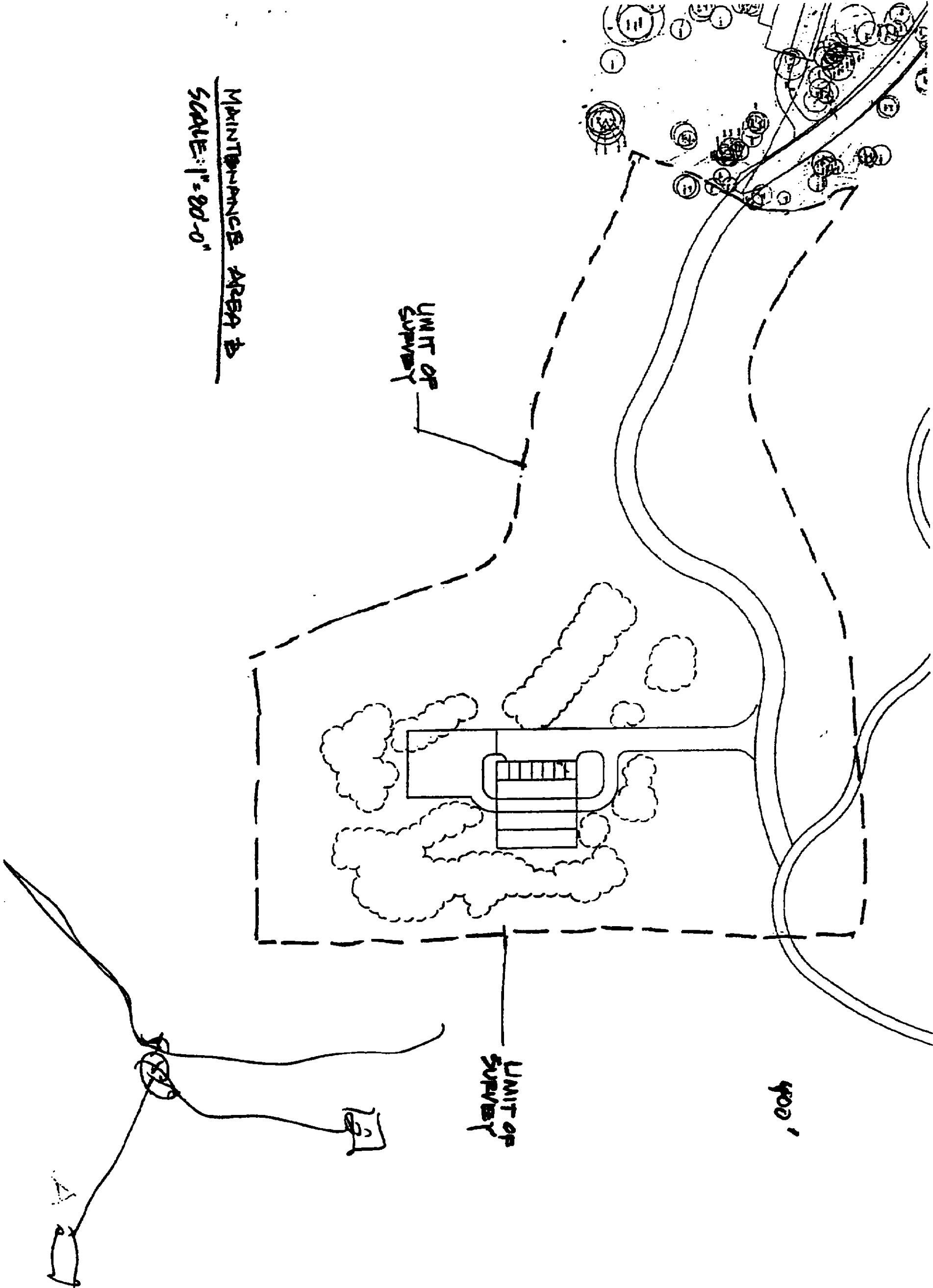
Travis County Reimers Ranch
MWM DesignGroup Survey
Additional Services Fee Estimate
 30-Jun-08

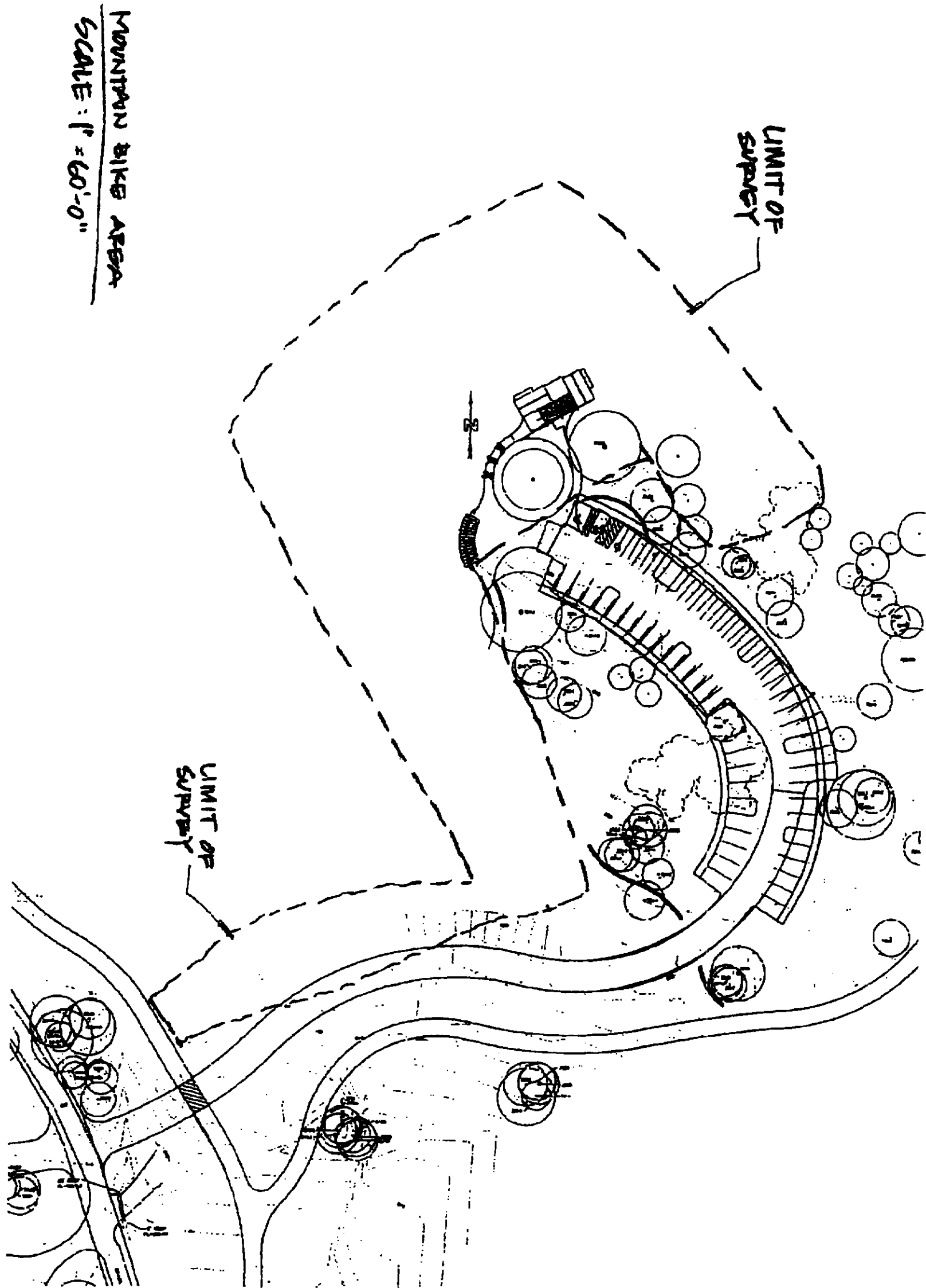
	Principal/ Sn Project Manager	RPLS	Survey Technician	Survey Crew
	\$ 142.00	\$ 110.00	\$ 82.00	\$ 140.00
Hamilton Pool Entrance and Turnaround Area	2	4	10	18
Maintenance Area	2	6	20	58
Mountain Bike Area	2	4	8	21
River Bend Parking	2	3	6	9
TOTAL	8	17	44	106
				\$ 4,064.00
				\$ 10,704.00
				\$ 4,320.00
				\$ 2,366.00
				\$ 21,454.00

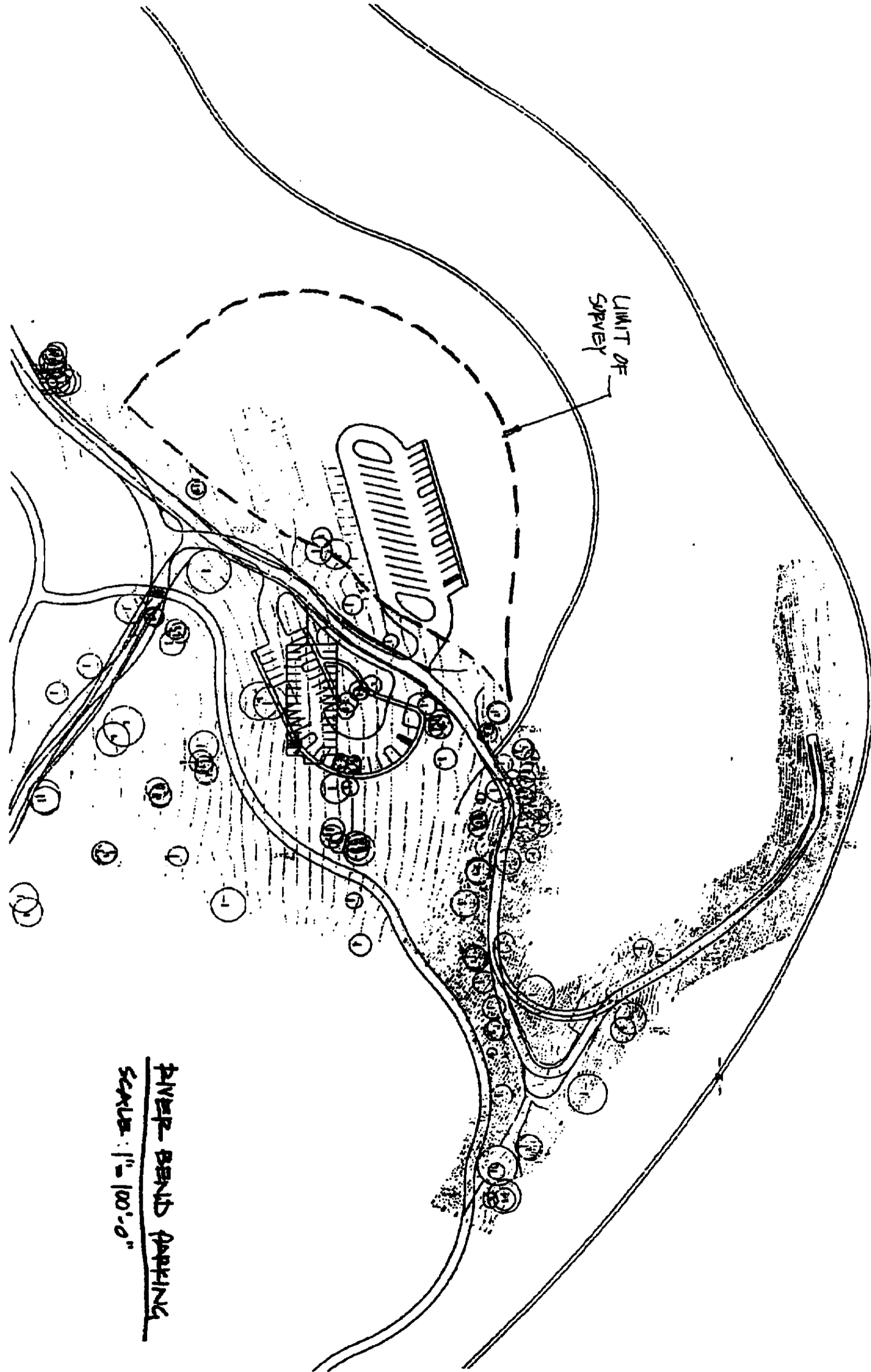
Travis County Reimers Ranch
MWM DesignGroup Civil
Additional Services Fee Estimate
30-Jun-08

	PM Project Manager	LA - Staff Landscape Architect	Principal/Sn Manager	Senior Licensed Professional	Graduate Engineer / Architect	Senior Technician	Technician	Sub-consultant
	\$ 125.00	\$ 95.00	\$ 142.00	\$ 128.00	\$ 90.00	\$ 82.00	\$ 64.00	
Entry Drive at Hamilton Pool Road								
turnaround area design	2	4	6	12	12		40	\$ 6,658.00
deceleration lane design (no retaining walls)	2	4	8		22	36		\$ 7,138.00
site distance calculations	1	2	4		16		8	\$ 3,185.00
subtotal	5	10	18	12	38	36	48	\$ 16,981.00
Maintenance Building B								
schematic design			8	8				\$ 2,180.00
30% site re-design			2	8	4		16	\$ 2,692.00
roadway design - entry station to maintenance building (no retaining walls)	1	2	4			96		\$ 14,035.00
water and wastewater design - entry station to maintenance building design	1	2	2	8	8		32	\$ 4,391.00
wastewater treatment unit and drainfield design for maintenance building (no longer combined with entry station)	1	2	2	4				\$ 5,800.00
subtotal	3	6	18	28	48	96	48	\$ 36,109.00
River Bend Parking								
30% re-design	1	2	2	8	4		16	\$ 3,007.00
subtotal	1	2	2	8	4	0	16	\$ 3,007.00
TOTAL	9	18	38	48	86	132	112	\$ 50,147.00









PIVOT BEND PARKING
SCALE: 1" = 100'-0"

TRAVIS COUNTY
Purchase Order Inquiry

7/24/08
11:20:32

P.O. Number : 346396
Change nbr : 4 Date : 1/08/08 PERRYJ
Status : 5 PARTIALLY RCVD AND INVCED
Type : P PURCHASE ORDER
Date : 9/13/06

Ordered . . : 824190.72
Invoiced : 279718.42
Liquidated : 279718.42
Balance . . : 544472.30

Vendor : 67319 LAND DESIGN PARTNERS, INC.
Ship to . . : Z1 TNR ADMIN - 11TH FLR
Invoice to . : AD AUDITOR
Buyer . . . : CONTRACT
Confirm by : BRENT LUCK
Ship via . . :
F.O.B. . . . :
Freight . . . :
Contract nbr : 06AE0187LP

Last rec : 7/10/08 CRUZB
Last inv : 5/29/08 REYNAM
Freight amt :
Adjustment :
Sales tax : 0.00%

Payment Discount : 0.00%
Terms : Nbr days disc due : Net :
Requisition Nbr : 0000422346 Date : 10/08/07
By : BRUNILDA CRUZ 854-7679

Adtd'l tax : 0.00%
Retainage % : 0.00%
Deliver by : 7/13/06
Order Discount : 0.00%
User ID . . : PERRYJ
Date posted : 1/08/08
Acct nbr : 47249458098120

F2=Items F3=Exit F8=Remarks F9=Invoices F12=Cancel F13=Vendor inquiry
F16=Rec/Inv Comments F18=Receipt Inq F24=More Keys Project : 0102PW

**TRAVIS COUNTY
Purchase Requisition**

7/24/08
11:22:02

Number : 0000444400
 Type : 1 PURCHASE REQUISITION
 Status : READY FOR BUYER PROCESS
 Reason : 53936 PARK-CIP MOD PO#346396 CONT 06AE0187LP
 By : BRUNILDA GRUZ 854-7679
 Date : 7/07/08
 Vendor : 67319 LAND DESIGN PARTNERS, INC.
 Contract nbr :
 Ship to : Z1 TNR ADMIN - 11TH FLR
 Deliver by date : 7/07/08
 Buyer : LP LEE PERRY
 Fiscal year code : C C=Current year, P=Previous year, F=Future year

Type options, press Enter.

5=Display 8=Item extended description

Opt Line#	Quantity	UOM	Description
1	71601.00	DOL	PHASE 3 DESIGN MOD #4. FOR ADDITIONAL SURVEYING AND DESIGN SERVICES WHICH INCLUDES

Total: 71601.00

F9=Print

COMMENTS EXIST

F3=Exit F7=Alternate view

F10=Approval info F12=Cancel F20=Comments



TRAVIS COUNTY PURCHASING OFFICE

Cyd V. Grimes, C.P.M., Purchasing Agent

314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

18

Approved by: _____

Cyd V. Grimes 7/28/08

Voting Session: Tuesday, August 05, 2008

REQUESTED ACTION: CONSIDER AND TAKE APPROPRIATE ACTION REGARDING PROFESSIONAL VISITATION SERVICES:

A. APPROVE ORDER EXEMPTING THE PURCHASE OF PROFESSIONAL VISITATION SERVICES FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO TO THE TEX. LOC. GOVT. CODE ANN. sec. 262.024 (a)(4).

B. AUTHORIZE PURCHASING AGENT TO ISSUE AN INFORMAL REQUEST FOR SERVICES (RFS) FOR PROFESSIONAL VISITATION SERVICES. (JUVENILE PROBATION AND DRO)

Points of Contact:

Purchasing: Vania Ramaekers

Department: (Juvenile Probation) Estela Medina, Chief Juvenile Probation Officer; Sylvia Mendoza

County Attorney (when applicable): Jim Connolly

County Planning and Budget Office: Leroy Nellis

County Auditor's Office: Susan Spataro and Jose Palacios

Other: (Domestic Relations Office) Cecelia Burke, Director

➤ **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes.

Contract Number PS010047JW with LifeWorks/Kids Exchange provides for Professional Visitation Services for the Travis County District Courts and Domestic Relations Office. The District Courts may order, or Domestic Relations may refer, clients to neutral drop-off and pick-up exchange services, and supervised and therapeutic visitation services.

On July 21, 2008, our current contractor informed us that they will no longer be able to continue providing these services effective September 30, 2008. Therefore, a new contract will need to be negotiated and awarded as soon as possible. After reviewing the needs and determining the critical nature of these services, the Purchasing Office, Juvenile Probation and Domestic Relations Office recommends that an exemption order and subsequent authorization for RFS issuance be granted. The exemption will facilitate an expedited

contract award and avoid service interruption to the District Courts as well as the current clients.

➤ **Contract Expenditures:** Within the last 12 months \$0.00 has been spent against this contract.

Not applicable

➤ **Contract-Related Information:**

Award Amount:

Contract Type:

Contract Period:

➤ **Contract Modification Information:**

Modification Amount: \$0.00 (Firm Amount) (Add'l. comments)

Modification Type: N/A

Modification Period:

➤ **Solicitation-Related Information:**

Solicitations Sent: N/A

Responses Received: N/A

HUB Information: Not Applicable

% HUB Subcontractor: N/A

➤ **Special Contract Considerations:**

Award has been protested; interested parties have been notified.

Award is not to the lowest bidder; interested parties have been notified.

Comments:

➤ **Funding Information:**

Purchase Requisition in H.T.E.: N/A

Funding Account(s):

Comments:

➤ **Statutory Verification of Funding:**

Contract Verification Form: Funds Verified _____ Not Verified _____ by Auditor.

**ORDER EXEMPTING PURCHASE OF
PROFESSIONAL VISITATION SERVICES
FROM COMPETITIVE PROPOSAL REQUIREMENTS OF THE
COUNTY PURCHASING ACT**

WHEREAS, the Commissioners Court of Travis County has the authority to exempt the purchase of personal or professional services from the bidding requirements of the County Purchasing Act, TEX. LOC. GOVT. CODE ANN. sec. 262.023, and

WHEREAS, the County desires to enter into a contract with a licensed professional individuals or facilities to provide Professional Visitation Services for Travis County, and

WHEREAS, these are personal services requiring special training, skills, licensing and experience,

NOW, THEREFORE, the Commissioners Court of Travis County hereby orders that the purchase of Professional Visitation Services is exempted from the requirements of the County Purchasing Act for competitive proposals pursuant to TEX. LOC. GOVT. CODE ANN., section 262.024(a)(4), as this contract is for professional services.

Signed and entered this ____ day of _____, 2008.

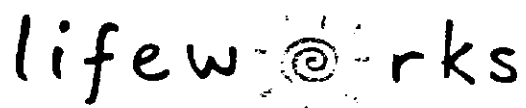
Samuel T. Biscoe, County Judge

Ron Davis
Commissioner, Precinct 1

Sarah Eckhardt
Commissioner, Precinct 2

Gerald Daugherty
Commissioner, Precinct 3

Margaret J. Gomez
Commissioner, Precinct 4



3700 South 1st Street
Austin, TX 78704

t 512 735 2400
f 512 735 2452

www.lifeworksweb.org

PROGEM
TRAVIS CO
2008 JUL 21 PM 2:56
PURCHASING
OFFICE

July 21, 2008

Ms. Cyd Grimes
Travis County Purchasing Agent
314 W. 11th St., Room 400
Austin, Texas 78701

ATTN: Vania Ramaekers, Assistant Purchasing Agent

CC: Cecelia Burke, DRO

This letter is official notification that LifeWorks will be ending Kids Exchange services effective 9/30/08. We would also like to request that LifeWorks not take any new Kids Exchange referrals effective 7/23/08. We would like families to begin services at an agency where they will be able to continue long-term in order to minimize any disruptions.

If you have any further questions please feel free to call myself or Corie Cormie, Manager of Grants and Contracts, to discuss.

Sincerely,

Susan McDowell
Executive Director
512.735.2453
susan.mcdowell@lifeworksweb.org

Corie Cormie
Manager of Grants and Contracts
512.735.2411
corie.cormie@lifeworksweb.org

TRAVIS COUNTY JUVENILE PROBATION DEPARTMENT

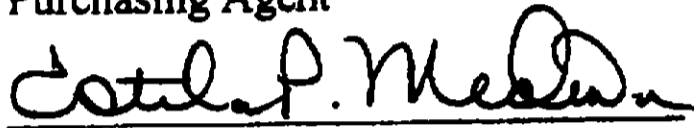


ESTELA P. MEDINA
Chief Juvenile Probation Officer

ADMINISTRATIVE SERVICES
COURT SERVICES
DETENTION SERVICES
PROBATION SERVICES
RESIDENTIAL SERVICES
SUBSTANCE ABUSE SERVICES
DOMESTIC RELATIONS OFFICE
JUVENILE JUSTICE
ALTERNATIVE EDUCATION
PROGRAM

DATE: July 24, 2008

TO: Cyd Grimes
Purchasing Agent

FROM: 
Estela P. Medina
Chief Juvenile Probation Officer

RE: Youth and Family Alliance (dba Lifeworks) - Contract # PS010047JW – Supervised Visitation

Travis County Juvenile Probation Department (DRO) is currently contracting with Youth and Family Alliance (dba Lifeworks) for supervised visitation services. Juvenile Probation is requesting Travis County Purchasing to assist with a new RFS to replace the terminated Lifeworks contract that currently provides the above services. With the contract terminated and Lifeworks no longer accepting new clients, Juvenile Probation Department would like to request an exemption in order to provide services with other providers through the District Court Referral list.

The following funding account is:

Account Number: 001-4560-593-6099

If you need additional information in order to proceed, please do not hesitate to contact me.

cc: Sylvia Mendoza
Alan Miller
Cecelia Burke

EPM:gc





TRAVIS COUNTY PURCHASING OFFICE

Cyd V. Grimes, C.P.M., Purchasing Agent

314 W. 11th Street, Room 400 Austin, Texas 78701 (512) 854-9700 Fax (512) 854-9185

19

Approved by: _____

Cyd V. Grimes 7/30/08

Voting Session: Tuesday, August 5, 2008

REQUESTED ACTION: APPROVE CONTRACT AWARD FOR:

A. CONSTRUCTION SERVICES FOR THE 2008 HMAC OVERLAY PROGRAM, PRECINCTS 1, 2, LCRA/TRAVIS COUNTY PARKS, EAST SERVICE CENTER, AND THE CITY OF LAKEWAY, IFB NO. B080240-LP, TO THE LOW BIDDER, WHEELER COATINGS, LP. (TNR)

B. CONSTRUCTION SERVICES FOR THE 2008 HMAC OVERLAY PROGRAM, PRECINCTS 3 AND 4, IFB NO. B080240-LP, TO THE LOW BIDDER, ASPHALT PAVING COMPANY. (TNR)

Points of Contact:

Purchasing: J. Lee Perry

Department: TNR, Joe Gieselman, Executive Manager; Don Ward, Division Manager

County Attorney (when applicable): John Hille

County Planning and Budget Office: Leroy Nellis

County Auditor's Office: Susan Spataro, Jose Palacios

Other:

RECEIVED
COUNTY JUDGE'S OFFICE
08 JUL 31 AM 8:52

➤ **Purchasing Recommendation and Comments:** Purchasing concurs with department and recommends approval of requested action. This procurement action met the compliance requirements as outlined by the statutes.

➤ On Thursday, June 12, 2008, Travis County received four (4) bids in response to IFB No. B080204-LP, 2008 HMAC Overlay Program.

A. The low bidder for Precincts 1, 2, LCRA/Travis County Parks, East Service Center and the City of Lakeway is Wheeler Coatings Asphalt, LP. TNR has reviewed the bids and recommends awarding, with Purchasing's concurrence, a construction contract to the low bidder, Wheeler Coatings Asphalt, LP. in the amount of \$2,720,812.42.

B. The low bidder for Precincts 3 and 4 is Asphalt Paving Company. TNR has reviewed the bids and recommends awarding, with Purchasing's concurrence, a construction contract to the low bidder, Asphalt Paving Company in the amount of \$1,744,892.30.

➤ **Contract Expenditures:** Within the last 12 months \$0.00 has been spent against this contract.

Not applicable

➤ **Contract-Related Information:**

Award Amount: A. \$2,720,812.42 B. \$1,744,892.30

Contract Type: Construction

Contract Period: Work completed by November 30, 2008

Contract Modification Information:

Modification Amount: N/A (Firm Amount) (Add'l. comments)

Modification Type: N/A

Modification Period: N/A

➤ **Solicitation-Related Information:**

Solicitations Sent:	<u>69</u>	Responses Received:	<u>4</u>
HUB Information:	<u>Vendor is not a HUB</u>	% HUB Subcontractor:	<u>A. 0%</u>
			<u>B. 33%</u>

➤ **Special Contract Considerations:**

- Award has been protested; interested parties have been notified.
- Award is not to the lowest bidder; interested parties have been notified.
- Comments: Contracts are being routed for signatures. A draft is attached for court review.

➤ **Funding Information:**

Purchase Requisition in H.T.E.: A. 438471 B. 444607

Funding Account(s):

A. Wheeler Coatings Asphalt, LP., Contract Number 08K00204LP

<u>Precinct No.</u>	<u>Account Number</u>	<u>Com/Sub</u>	<u>Amount</u>
1	099-4941-621-8164	968-053	\$507,825.00
1	405-4941-808-8164	968/053	\$375,000.00
2	435-4941-808-8164	968/053	\$65,000.00
2	449-4941-808-8164	968/053	\$100,000.00
2	453-4941-808-8164	968/053	\$80,000.00

A. Wheeler Coatings Asphalt, LP., Contract Number 08K00204LP CONT....

<u>Precinct No.</u>	<u>Account Number</u>	<u>Com/Sub</u>	<u>Amount</u>
1 and 2	433-4941-808-8164	968/053	\$50,000.00
1 and 2	506-4941-808-8164	968/053	\$362,452.48
City of Lakeway	475-4993-750-6099	968-048	\$254,901.60
LCRA/TC Park	029-4945-631-8120	988/064	\$220,349.55
East Serv. Ctr.	510-4912-808-8105	909/011	<u>\$705,283.79</u>
		TOTAL:	\$2,720,812.42

B. Asphalt paving Company, Contract Number 08K00275LP

<u>Precinct No.</u>	<u>Account Number</u>	<u>Com/Sub</u>	<u>Amount</u>
3 and 4	506-4941-808-8164	968/053	<u>\$1,744,892.30</u>
		TOTAL:	\$1,744,892.30

Comments: N/A

➤ **Statutory Verification of Funding:**

Contract Verification Form: Funds Verified ___ Not Verified ___ by Auditor.

STATE OF TEXAS §
COUNTY OF TRAVIS §

DRAFT

This Agreement is made and entered into this day by and between Travis County, Texas, hereinafter referred to as the "County" and ASPHALT PAVING COMPANY, hereinafter referred to as the "Contractor" and shall be binding upon their respective executors, administrators, heirs, successors, and assigns;

WHEREAS, the County desires to enter into a contract for the construction of 2008 HMAC OVERLAY PROGRAM, PRECINCTS 3 AND 4 in Travis County, Texas, in accordance with the provisions of the State Statutes and conforming to the Contractors' Notice of Construction, Bid Proposal, Specifications and Plans marked 2008 HMAC OVERLAY PROGRAM, PRECINCTS 3 AND 4 (IFB NO. B080204-LP), all of which are incorporated herein;

WHEREAS, the Contractor has been engaged in and now does comparable work and represents that he/she is fully equipped, competent, and capable of performing the above desired and outlined work, and is ready and willing to perform such work in accordance with all provisions of the above mentioned Specifications and the Plans marked (IFB NO. B080204-LP)

NOW THEREFORE, in consideration of the County's promise to pay the amount below as totaled in the Bid Proposal hereto attached and made part of this Contract, the Contractor agrees to do at his own proper cost and expense all the work necessary for the construction of 2008 HMAC OVERLAY PROGRAM, PRECINCTS 3 AND 4 in Travis County, Texas in accordance with the provisions of the aforementioned Contractor's Notice of Construction, the Bid Proposal as awarded by the Commissioners Court, and the Specifications and Plans marked (IFB NO. B080204-LP) to the satisfaction of the Executive Manager of the Transportation and Natural Resources Department of Travis County, Texas.

This contract document, the Contractor's Notice of Construction, the Bid Proposal, and the Specifications and Plans marked (IFB NO. B080204-LP) represent the entire and integrated contract between the County and the Contractor and supersede all prior negotiations, representations, or agreements, either oral or written. This Contract may be amended only by written instrument signed by both the County and the Contractor.

The said Contractor further agrees to be available for work within ten (10) working days, and to complete the work By November 30, 2008, after receiving a written "Notice to Proceed".

Travis County, Texas, in consideration of the full and true performance of the said work by said Contractor, hereby agrees and binds itself to pay to said Contractor the total contract amount of \$1,744,892.30 consisting of \$1,288,296.21 for materials to be incorporated into the Project or completely consumed at the job site and services required by or integral to the performance of the contract and \$456,596.09 for all other charges, including the cost of other services, overhead, materials which do not become part of the finished project or are reusable, and machinery or equipment and its accessory, repair, or replacement parts, and in the manner provided for, within thirty (30) days from the receipt of an acceptable invoice. This division of the contract amount is made to reflect the sales tax purposes only. Contractor shall maintain internal records to verify the division. Contractor shall make these records available upon request of the Travis County Auditor.

This contract shall be construed according to the laws of the State of Texas. The performance for this Contract shall be in Travis County, and venue for any action will lie in Travis County, Texas. The Contractor warrants that the completed project shall be adequate for the purposes intended.

Notwithstanding anything to the contrary herein, if Contractor is delinquent in payment of taxes at the time of invoicing, Contractor hereby assigns any payments to be made for service rendered under this Contract to the Travis County Tax Assessor-Collector for the payment of said delinquent taxes.

NO OFFICIAL, EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESSED OR IMPLIED, TO AMEND THIS CONTRACT, EXCEPT SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE COMMISSIONERS COURT OF THE COUNTY.

The forfeiture provisions of the contract imposed pursuant to the Travis County Ethics Policy may be waived in whole or in part by the Travis County Commissioners Court.

EXECUTED THIS 29 DAY OF July, YEAR 2008.

TRAVIS COUNTY, TEXAS

ASPHALT PAVING COMPANY

BY: _____
TRAVIS COUNTY JUDGE

BY: RJA _____

APPROVED AS TO FORM:

APPROVED:

TRAVIS COUNTY ATTORNEY

COUNTY PURCHASING AGENT

CERTIFIED FUNDS ARE AVAILABLE

COUNTY AUDITOR, TRAVIS COUNTY

DRAFT

IFB No. B080204-LP
2008 HMAC Overlay Program

APC
III. Bid Requirements
B. Bid Proposal

Travis County reserves the right to award a contract or contracts to the lowest qualified bidder or bidders, to award entire programs or portions of programs, or to award no contract at all, at the discretion of the County Commissioners Court.

GROUP C (PRECINCT THREE)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1C	340, 502, 677	2874	TON	E Level-up and Site Preparation including sweeping, TC, level-up with Type C HMAC, complete, for <u>Sixty Four</u> Dollars and <u>zero</u> Cents per ton.	<u>\$64.00</u>	<u>\$ 183,936.00</u> ✓
2C	340, 502, 677	92,365	SY	E 1-½" Type C HMAC overlay, including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Five</u> Dollars and <u>Eighty Five</u> Cents per square yard.	<u>\$ 5.85</u>	<u>\$ 540,335.25</u> ✓
3C	110, 502	138	CY	E Unclassified excavation, including removal, hauling, disposal, and TC, Complete, for <u>Ten</u> Dollars and <u>zero</u> Cents per cubic yard.	<u>\$ 10.00</u>	<u>\$ 1380.00</u> ✓
4C	662, 502	909	EACH	Temporary pavement markers, Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <u>0</u> Dollars and <u>Sixty Five</u> Cents per each.	<u>\$.65</u>	<u>\$ 590.85</u>

Total Amount Bid \$ 726,242.10
Figures

Total Amount Bid: Seven Hundred Twenty Six Thousand Two Hundred Forty Two + Ten Cents
Words

Tax Exempt Cost*: \$ 544,681.57 (RM) Non-Tax Exempt Cost**: \$ 181,560.53 (RM)

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.
**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

APC

IFB No. B080204-LP
2008 HMAC Overlay Program

III. Bid Requirements
B. Bid Proposal

Travis County reserves the right to award a contract or contracts to the lowest responsive bidder or bidders, to award entire programs or portions of programs, or to award no contract at all, at the discretion of the County Commissioners Court.

GROUP D (PRECINCT FOUR)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1D	340, 502, 677	2022	TON	E Level-up and Site Preparation including sweeping, TC, level-up with Type C HMAC, complete, for <u>Sixty One</u> Dollars and <u>Twenty Five</u> Cents per ton.	\$ <u>61²⁵</u>	\$ <u>123,847.50</u>
2D	340, 502, 677	183,800	SY	E 1-1/2" Type C HMAC overlay , including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Four</u> Dollars and <u>Eighty Five</u> Cents per square yard.	\$ <u>4⁸⁵</u>	\$ <u>891,430.00</u>
3D	110, 502	236	CY	E Unclassified excavation , including removal, hauling, disposal, and TC, Complete, for <u>TEN</u> Dollars and <u>zero</u> Cents per cubic yard.	\$ <u>10⁰⁰</u>	\$ <u>2360.00</u>
4D	662, 502	1558	EACH	Temporary pavement markers , Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <u>0</u> Dollars and <u>Sixty Five</u> Cents per each.	\$ <u>.65</u>	\$ <u>1012.70</u>
Total Amount Bid						\$ <u>1,018,650.20</u>

Total Amount Bid: One Million Eighteen Thousand Six Hundred Fifty Dollars And Twenty Cents
Words

Tax Exempt Cost*: \$ 743,614.64 Non-Tax Exempt Cost**: \$ 275,035.56

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.
**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

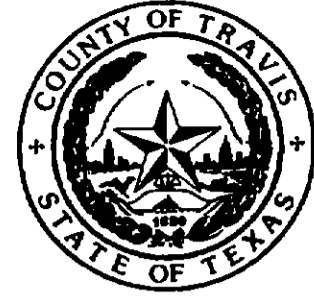
Bid Tab
Asphalt
Paving
PKS

TRAVIS COUNTY PURCHASING CONSTRUCTION CONTRACTS: BID TABULATION FORM

BID NO.:	B080204-LP	BID DATE:	12-Jun-08	BIDS SOLICITED:	
DESCRIPTION:	FY08 HMAC Overlay	OPEN TIME:	2:00 PM	BIDS RECEIVED:	4
DEPARTMENT:	TNR	BIDS EXPIRE:	11-Aug-08	HUBS SOLICITED:	
CONTACT/NO.:	D.Ward/x49317			HUBS RECEIVED:	

Bidders Name	WHEELER COATINGS	ASPHALT PAVING	AUSTIN BRIDGE AND ROAD	RAMMING
Group A	\$1,040,757.30		\$1,104,490.92	
w/alt. A1	\$971,890.08		No Alt. Submitted	
Group B	\$607,243.14		\$647,664.30	
w/alt. B1	\$568,387.40		No Alt. Submitted	
Group C	\$799,333.05	\$726,242.10	\$901,669.55	
w/alt. C1	\$756,845.15	\$726,242.10	No Alt. Submitted	
Group D	\$1,157,960.30	\$1,018,650.20		
w/alt. D1	\$1,075,250.30	\$1,018,650.20		
Group E	\$244,581.97			\$226,219.85
w/alt. E1	\$229,625.47			\$226,219.85
Group F	\$226,011.83			
w/alt. F1	\$220,349.55			
Group G	\$762,603.47			
w/alt. G1	\$705,283.79			
Group H	\$254,901.60			\$265,522.50
Addendum				
Bid Bond				
Ethics				
Cert. Secretary				
Safety				
HUB				
HUB %				

Print Name SIGNATURE Date



TRANSPORTATION AND NATURAL RESOURCES
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building, 11th Floor
P. O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

July 9, 2008

MEMORANDUM (REVISED)

TO: Cyd Grimes, County Purchasing Agent
Paul B. Gieselman
FROM: Joseph P. Gieselman, Executive Manager

PROJECT
TRAVIS COUNTY
JUL 14 PM 3:52
PURPOSE
OFFICE

SUBJECT: Place Item on Commissioners Court Agenda to Award a Construction Services Contract for FY 2008 HMA Overlay Program (Precinct 3 and 4).

Proposed Motion: Award construction service contract for the above project in the amount of \$1,744,892.30 to the apparent low bidder Asphalt Paving Company.

Summary and Staff Recommendation: On Thursday, June 12, 2008, Travis County received bids from four vendors in response to IFB B080204-LP. TNR has reviewed the bids and would like to award the construction contract to the apparent low bidder Asphalt Paving Company for \$1,744,892.30 for works in Precincts 3 and 4.

Budgetary and Fiscal Impact: The account numbers for this work are as follows:

Precinct 3

Account Number 506-4941-808-8164	COR001	<u>\$ 726,242.10</u>
Total Precinct 3		<u>\$ 726,242.10</u>

Precinct 4

Account Number 506-4941-808-8164	COR001	<u>\$ 1,018,650.20</u>
Total Precinct 4		<u>\$ 1,018,650.20</u>

Page 2

July 9, 2008

Award Construction Contract for the FY 2008 HMAc Overlay Program (Precinct 3 and 4)

The commodity/sub-commodity number is 968/053. The \$1,744,892.30 will be encumbered under requisition number 444607.

Required Authorizations: Planning and Budget, County Attorney's Office, Auditor's Office.

Exhibits: Bid tabulation summary.

BC:JPG:bc

CC: Jessica Rio, Planning & Budget Office
amb Lee Perry, Purchasing
Sean O'Neal, Auditors
Don Ward, TNR
Brunilda Cruz, TNR

From: Don Ward
To: Brunilda Cruz
CC: Lee Perry
Date: 6/18/2008 8:46 AM
Subject: FY 08 HMAC Bids
Attachments: 08HMAC.Bid Tab.xls

Bruni,
Please prepare the memo for purchasing to award the project to low bidders. I have attached the Bid Tab that Lee Perry sent me on Friday. Let me know if you have any questions. Thanks.

Group A - Wheeler Coatings - \$907,890.08
Group B - Wheeler Coatings - \$568,387.40
Group C - Asphalt Paving - \$726,242.10
Group D - Asphalt Paving - \$1,018,650.20
Group E - Ramming - \$226,219.85
Group F - Wheeler Coatings - \$220,349.55
Group G - Wheeler Coatings - \$705,283.79
Group H - Wheeler Coatings - \$254,901.60

Don

Donald W. Ward, P.E. (Don)
Director
Road Maintenance & Fleet Services
512-854-9317, FAX 512-854-4648
don.ward@co.travis.tx.us

TRAVIS COUNTY
Purchase Requisition

7/25/08
10:52:42

Number : 0000444607
 Type : 1 PURCHASE REQUISITION
 Status : AUDITOR APPROVAL
 Reason : PENDING CONTRACT AWARD ATTN: LEE PERRY
 By : BRUNILDA CRUZ 854-7679
 Date : 7/09/08
 Vendor : 45147 ASPHALT PAVING CO
 Contract nbr :
 Ship to : Z1 TNR ADMIN - 11TH FLR
 Deliver by date : 7/09/08
 Buyer :
 Fiscal year code . . . : C C=Current year, P=Previous year, F=Future year

Type options, press Enter.

5=Display 8=Item extended description

Opt Line#	Quantity	UOM	Description
1	726242.10	DOL	TYPE C HMAC OVERLAY PROJECT PRECINCT 3 GROUP C
2	1018650.20	DOL	TYPE C HMAC OVERLAY PROJECT

Total: 1744892.30
F9=Print

COMMENTS EXIST

F3=Exit F7=Alternate view
F10=Approval info F12=Cancel F20=Comments

DRAFT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This Agreement is made and entered into this day by and between Travis County, Texas, hereinafter referred to as the "County" and WHEELER COATINGS ASPHALT, LP, hereinafter referred to as the "Contractor" and shall be binding upon their respective executors, administrators, heirs, successors, and assigns;

WHEREAS, the County desires to enter into a contract for the construction of 2008 HMAC OVERLAY PROGRAM, PCT 1, 2, LCRA/TRAVIS COUNTY PARKS, EAST SERVICE CENTER AND THE CITY OF LAKEWAY in Travis County, Texas, in accordance with the provisions of the State Statutes and conforming to the Contractors' Notice of Construction, Bid Proposal, Specifications and Plans marked 2008 HMAC OVERLAY PROGRAM, PCT 1, 2, LCRA/TRAVIS COUNTY PARKS, EAST SERVICE CENTER AND THE CITY OF LAKEWAY (IFB NO. B080204-LP), all of which are incorporated herein;

WHEREAS, the Contractor has been engaged in and now does comparable work and represents that he/she is fully equipped, competent, and capable of performing the above desired and outlined work, and is ready and willing to perform such work in accordance with all provisions of the above mentioned Specifications and the Plans marked (IFB NO. B080204-LP)

NOW THEREFORE, in consideration of the County's promise to pay the amount below as totaled in the Bid Proposal hereto attached and made part of this Contract, the Contractor agrees to do at his own proper cost and expense all the work necessary for the construction of 2008 HMAC OVERLAY PROGRAM, PCT 1, 2, LCRA/TRAVIS COUNTY PARKS, EAST SERVICE CENTER AND THE CITY OF LAKEWAY in Travis County, Texas in accordance with the provisions of the aforementioned Contractor's Notice of Construction, the Bid Proposal as awarded by the Commissioners Court, and the Specifications and Plans marked (IFB NO. B080204-LP) to the satisfaction of the Executive Manager of the Transportation and Natural Resources Department of Travis County, Texas.

This contract document, the Contractor's Notice of Construction, the Bid Proposal, and the Specifications and Plans marked (IFB NO. B080204-LP) represent the entire and integrated contract between the County and the Contractor and supersede all prior negotiations, representations, or agreements, either oral or written. This Contract may be amended only by written instrument signed by both the County and the Contractor.

The said Contractor further agrees to be available for work within ten (10) working days, and to complete the work BY November 30, 2008, after receiving a written "Notice to Proceed".

Travis County, Texas, in consideration of the full and true performance of the said work by said Contractor, hereby agrees and binds itself to pay to said Contractor the total contract amount of \$2,720,812.42 consisting of \$1,632,487.45 for materials to be incorporated into the Project or completely consumed at the job site and services required by or integral to the performance of the contract and \$1,088,324.97 for all other charges, including the cost of other services, overhead, materials which do not become part of the finished project or are reusable, and machinery or equipment and its accessory, repair, or replacement parts, and in the manner provided for, within thirty (30) days from the receipt of an acceptable invoice. This division of the contract amount is made to reflect the sales tax purposes only. Contractor shall maintain internal records to verify the division. Contractor shall make these records available upon request of the Travis County Auditor.

This contract shall be construed according to the laws of the State of Texas. The performance for this Contract shall be in Travis County, and venue for any action will lie in

Travis County, Texas. The Contractor warrants that the completed project shall be adequate for the purposes intended.

Notwithstanding anything to the contrary herein, if Contractor is delinquent in payment of taxes at the time of invoicing, Contractor hereby assigns any payments to be made for service rendered under this Contract to the Travis County Tax Assessor-Collector for the payment of said delinquent taxes.

NO OFFICIAL, EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE COUNTY HAS ANY AUTHORITY, EITHER EXPRESSED OR IMPLIED, TO AMEND THIS CONTRACT, EXCEPT SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE COMMISSIONERS COURT OF THE COUNTY.

The forfeiture provisions of the contract imposed pursuant to the Travis County Ethics Policy may be waived in whole or in part by the Travis County Commissioners Court.

EXECUTED THIS 30th DAY OF July, YEAR 2008.

TRAVIS COUNTY, TEXAS

WHEELER COATINGS ASPHALT, LP.

BY: _____
TRAVIS COUNTY JUDGE

BY: [Signature]

APPROVED AS TO FORM:

APPROVED:

TRAVIS COUNTY ATTORNEY

COUNTY PURCHASING AGENT

CERTIFIED FUNDS ARE AVAILABLE

COUNTY AUDITOR, TRAVIS COUNTY

DRAFT

Wheeler

CONTRACT NO. 08K00204LP
2008 HMAC OVERLAY PROGRAM
GROUP A (PRECINCT ONE)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1A	340, 502, 677	1849	TON	E Level-up and Site Preparation including sweeping, TC, level-up with Type C HMAC, complete, for <u>Sixty Five</u> Dollars and <u>Forty Six</u> Cents per ton.	\$ <u>65.46</u>	\$ <u>121,035.54</u>
* 2A	340, 502, 677	146,526	SY	E 1-1/2" Type C HMAC overlay , including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Six</u> Dollars and <u>Twenty Six</u> Cents per square yard.	\$ <u>6.26</u>	\$ <u>917,252.76</u>
3A	110, 502	208	CY	E Unclassified excavation , including removal, hauling, disposal, and TC, Complete, for <u>Five</u> Dollars and <u>No</u> Cents per cubic yard.	\$ <u>5</u>	\$ <u>1,040.00</u>
4A	662, 502	1429	EACH	Temporary pavement markers , Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <u>one</u> Dollars and <u>No</u> Cents per each.	\$ <u>1</u>	\$ <u>1,429.00</u>

Total Amount Bid \$ 1,040,757.30

Total Amount Bid One Million Forty Thousand Seven Hundred Fifty Seven Dollars & Thirty Cents
Words Figures

Tax Exempt Cost*: \$ 624,454.38

Non-Tax Exempt Cost**: \$ 414,302.92

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.

**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

Travis County reserves the right to award a contract or contracts to the lowest responsive bidder or bidders, to award entire programs or portions of programs, or to award no contract at all, at the discretion of the County Commissioners Court.

* Please See Add Alternate 2A1 (Total Amount Bid \$ 971,890.08)

Wheeler

GROUP B (PRECINCT TWO)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1B	340, 502, 677	929	TON E	Level-up and Site Preparation including sweeping, TC, level-up with Type C HMAC, complete, for <u>Sixty Seven</u> Dollars and <u>Forty three</u> Cents per ton.	\$ <u>67.43</u>	\$ <u>62,642.47</u>
* 2B	340, 502, 677	84,469	SY E	1-1/2" Type C HMAC overlay , including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Six</u> Dollars and <u>Forty three</u> Cents per square yard.	\$ <u>6.43</u>	\$ <u>543,135.67</u>
3B	110, 502	126	CY E	Unclassified excavation , including removal, hauling, disposal, and TC, Complete, for <u>Five</u> Dollars and <u>No</u> Cents per cubic yard.	\$ <u>5</u>	\$ <u>630.00</u>
4B	662, 502	835	EACH	Temporary pavement markers , Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <u>One</u> Dollars and <u>No</u> Cents per each.	\$ <u>1</u>	\$ <u>835.00</u>

Total Amount Bid \$ 607,243.14

Total Amount Bid: Six hundred seven thousand two hundred forty three dollars and four cents
Words Figures

Tax Exempt Cost*: \$ 364,345.89

Non-Tax Exempt Cost**: \$ 242,897.25

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.
**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

* Please See Add Alternate 2 B1 (Total Amount Bid \$568,387.40)

Wheeler

IFB No. B080204-LP
2008 HMAC Overlay Program

III. Bid Requirements
B. Bid Proposal

Travis County reserves the right to award a contract or contracts to the lowest responsive bidder or bidders, to award entire programs or portions of programs, or to award no contract at all, at the discretion of the County Commissioners Court.

***GROUP E (Travis County Parks Projects)**

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1D	340, 502, 677	275	TON	E Level-up and Site Preparation including sweeping, TC, level-up with Type C HMAC, complete, for <u>Seventy Eight</u> Dollars and <u>Forty Three</u> Cents per ton.	\$ <u>78.43</u>	\$ <u>21,568.25</u>
2D	340, 502, 677	29,913	SY	E 1-1/2" Type C HMAC overlay , including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Seven</u> Dollars and <u>Forty Four</u> Cents per square yard.	\$ <u>7.44</u>	\$ <u>222,552.72</u>
3D	110, 502	56	CY	E Unclassified excavation , including removal, hauling, disposal, and TC, Complete, for <u>Five</u> Dollars and <u>10</u> Cents per cubic yard.	\$ <u>5</u>	\$ <u>280.00</u>
4D	662, 502	181	EACH	Temporary pavement markers , Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <u>one</u> Dollars and <u>10</u> Cents per each.	\$ <u>1</u>	\$ <u>181.00</u>

Total Amount Bid \$ 244,581.97

Total Amount Bid: Two hundred forty four thousand five hundred eighty one dollars +
Words thirty seven cents Figures

Tax Exempt Cost*: \$ 146,749.19

Non-Tax Exempt Cost**: \$ 97,832.78

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.
**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

* * Group E will be Awarded to another Contractor

Travis County reserves the right to award a contract or contracts to the lowest responsive bidder or bidders, to award entire programs or portions of programs, or to award no contract at all, at the discretion of the County Commissioners Court.

GROUP F (LCRA/Travis County Parks Projects)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1D	340, 502, 677	1,034	TON	E Level-up and Site Preparation including sweeping, TC, level-up with Type C HMAC, complete, for <i>One hundred Ten</i> Dollars and <i>Twenty</i> Cents per ton.	<i>\$110.20</i>	<i>\$113,946.⁸⁰</i>
* 2D	340, 502, 677	10,889	SY	E 1-1/2" Type C HMAC overlay , including tack coat as required, TC, materials, equipment, and labor, Complete, for <i>Ten</i> Dollars and <i>Twenty Seven</i> Cents per square yard.	<i>\$10.27</i>	<i>\$111,830.⁰³</i>
3D	110, 502	47	CY	E Unclassified excavation , including removal, hauling, disposal, and TC, Complete, for <i>Five</i> Dollars and <i>No</i> Cents per cubic yard.	<i>\$ 5</i>	<i>\$ 235.⁰⁰</i>
4D	662, 502	0	EACH	Temporary pavement markers , Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <i>NO</i> and <i>No</i> Cents per each.	<i>\$ 0</i>	<i>\$ 0</i>

Total Amount Bid *\$ 226,011.⁸³*
Figures

Total Amount Bid: *Two hundred Twenty Six thousand Eleven dollars +*
Words *Eighty three cents*

Tax Exempt Cost*: *\$ 135,607.¹⁰* Non-Tax Exempt Cost**: *\$ 90,404.73*

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.
**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

* Please See Add Alternate 2 F1 (Total Amount Bid *\$220,349.55*)

Travis County reserves the right to award a contract or contracts to the lowest responsive bidder or bidders, to award entire programs or portions of programs, or to award no contract at all, at the discretion of the County Commissioners Court.

GROUP G (TRAVIS COUNTY EAST SERVICE CENTER)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
* 1D	340, 502, 677	9,518	SY	E 1-1/2" Type C HMAC overlay, including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Six</u> Dollars and <u>Eighty Two</u> Cents per square yard.	\$ <u>6.82</u>	\$ <u>64,912.76</u>
* 2D	340, 502, 677	34,521	SY	E 2" Type C HMAC overlay, including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Eight</u> Dollars and <u>Sixty one</u> Cents per square yard.	\$ <u>8.61</u>	\$ <u>297,225.81</u>
* 3D	340, 502, 677	31,935	SY	E 3" Type C HMAC overlay, including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Twelve</u> Dollars and <u>Fifty Four</u> Cents per square yard.	\$ <u>12.54</u>	\$ <u>400,464.90</u>
4D	662, 502	0	EACH	Temporary pavement markers, Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <u>No</u> Dollars and <u>No</u> Cents per each.	\$ <u>0</u>	\$ <u>0</u>

Total Amount Bid \$ 762,603.47
Figures

Total Amount Bid: Seven hundred Sixty Two thousand Six hundred Thirty Seven and Forty Seven Cents
Words

Tax Exempt Cost*: \$ 457,562.09

Non-Tax Exempt Cost**: \$ 305,041.38

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.
**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

* See Add Alternates 1G1, 2G1 + 3G1 (Total Amount Bid \$ 705,283.79)

Wheeler

Travis County reserves the right to award a contract or contracts to the lowest responsive bidder or bidders, to award entire programs or portions of programs, or to award no contract at all, at the discretion of the County Commissioners Court.

GROUP H (CITY OF LAKEWAY TYPE D OVERLAY)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1D	340, 502, 677	0	TON	E Level-up and Site Preparation including sweeping, TC, level-up with Type D HMAC, complete, for <u>No</u> Dollars and <u>No</u> Cents per ton.	\$ <u>0</u>	\$ <u>0</u>
2D	340, 502, 677	35,403	SY	E 1-1/2" Type D HMAC overlay , including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Seven</u> Dollars and <u>Twenty</u> Cents per square yard.	\$ <u>7.20</u>	\$ <u>254,901.60</u>
3D	110, 502	0	CY	E Unclassified excavation , including removal, hauling, disposal, and TC, Complete, for <u>No</u> Dollars and <u>No</u> Cents per cubic yard.	\$ <u>0</u>	\$ <u>0</u>
4D	662, 502	0	EACH	Temporary pavement markers , Tabs, installed Complete, including TC, shoulder dress-up, project clean-up, and TC removal for <u>No</u> Dollars and <u>No</u> Cents per each.	\$ <u>0</u>	\$ <u>0</u>

Total Amount Bid \$ 254,901.60 Figures

Total Amount Bid: Two Hundred Fifty Four Thousand Five Hundred One Dollars + Sixty Cents Words

Tax Exempt Cost*: \$ 152,940.96

Non-Tax Exempt Cost**: \$ 101,960.64

*Tax exempt costs are the total cost of materials incorporated into the project or completely consumed at the job site and services required by or integral to the performance of the Contract.
**Non-Tax exempt costs are all other charges, including the cost of labor, overhead, and materials which do not become part of the project or are not completely consumed at the job site.

THE SUM OF THE TAX AND NON-TAX EXEMPT COSTS MUST EQUAL THE TOTAL AMOUNT BID.

Wheeler

ADD ALTERNATES

The following add alternates only apply to the corresponding numbers listed in the base bid; all other bid item prices shall remain as they are in the base bid. For specifications on the add alternates below please see Section V. Specifications.

Travis County reserves the right to award by "Base Bid", by "Alternates", or by any combination thereof.

GROUP A1 (PRECINCT ONE)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
2A1	340, 502, 677, 340-002	146,526	SY E	1-1/2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Five</u> Dollars and <u>Seventy Nine</u> Cents per square yard.	\$ <u>5.79</u>	<i>Wheeler mistake: should be \$848,385.57</i> \$146,531.79

GROUP B1 (PRECINCT TWO)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
2B1	340, 502, 677	84,469	SY E	1-1/2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Five</u> Dollars and <u>Nearly Seven</u> Cents per square yard.	\$ <u>5.97</u>	<i>4</i> \$504,279.93

GROUP C1 (PRECINCT THREE)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
2C1	340, 502, 677	92,365	SY E	1-1/2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Five</u> Dollars and <u>Five</u> Cents per square yard.	\$ <u>6.05</u>	\$558,808.25

GROUP D1 (PRECINCT FOUR)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
2D1	340, 502, 677	183,800	SY E	1-1/2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Five</u> Dollars and <u>Nineteen</u> Cents per square yard.	\$ <u>5.19</u>	\$953,922.02

GROUP E1 (Travis County Parks Projects)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
2E1	340, 502, 677	29,913	SY E	1-1/2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Six</u> Dollars and <u>Ninety Four</u> Cents per square yard.	\$ <u>6.94</u>	\$ <u>207,596.²²</u>

GROUP F1 (LCRA/Travis County Parks Projects)

Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
2F1	340, 502, 677	10,889	SY E	1-1/2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Nine</u> Dollars and <u>Seventy Five</u> Cents per square yard.	\$ <u>9.75</u>	\$ <u>106,167.⁷⁵</u>

GROUP G1 (TRAVIS COUNTY EAST SERVICE CENTER)

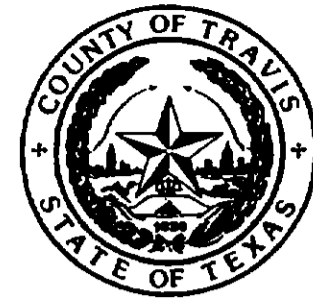
Bid Item	Spec. Item	Estimated Quantity	Tech Unit Spec.	Description with Unit Price in words	Unit Price	Total Item Amount
1G1	340, 502, 677	9,518	SY E	1-1/2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Six</u> Dollars and <u>thirty Four</u> Cents per square yard.	\$ <u>6.34</u>	\$ <u>60,344.¹²</u>
2G1	340, 502, 677	34,521	SY E	2" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Seven</u> Dollars and <u>Ninety Seven</u> Cents per square yard.	\$ <u>7.97</u>	\$ <u>275,132.³⁷</u>
3G1	340, 502, 677	31,935	CY E	3" Type C HMAC overlay, with RAP per Spec. 340-002 including tack coat as required, TC, materials, equipment, and labor, Complete, for <u>Eleven</u> Dollars and <u>Fifty Eight</u> Cents per square yard.	\$ <u>11.58</u>	\$ <u>369,807.³⁵</u>

TRAVIS COUNTY PURCHASING CONSTRUCTION CONTRACTS: BID TABULATION FORM

BID NO.:	B080204-LP	BID DATE:	12-Jun-08	BIDS SOLICITED:	
DESCRIPTION:	FY08 HMAC Overlay	OPEN TIME:	2:00 PM	BIDS RECEIVED:	4
DEPARTMENT:	TNR	BIDS EXPIRE:	11-Aug-08	HUBS SOLICITED:	
CONTACT/NO.:	D.Ward/x49317			HUBS RECEIVED:	

Bidders Name	WHEELER COATINGS	ASPHALT PAVING	AUSTIN BRIDGE AND ROAD	RAMMING
Group A	\$1,040,757.30		\$1,104,490.92	
w/alt. A1 ✓	\$971,890.08		No Alt. Submitted	
Group B	\$607,243.14		\$647,664.30	
w/alt. B1 ✓	\$568,387.40		No Alt. Submitted	
Group C	\$799,333.05	\$726,242.10	\$901,669.55	
w/alt. C1	\$756,845.15	\$726,242.10	No Alt. Submitted	
Group D	\$1,157,960.30	\$1,018,650.20		
w/alt. D1	\$1,075,250.30	\$1,018,650.20		
Group E	\$244,581.97			\$226,219.85
w/alt. E1	\$229,625.47			\$226,219.85
Group F	\$226,011.83			
w/alt. F1 ✓	\$220,349.55			
Group G	\$762,603.47			
w/alt. G1 ✓	\$705,283.79			
Group H ✓	\$254,901.60 ✓			\$265,522.50
Addendum				
Bid Bond				
Ethics				
Cert. Secretary				
Safety				
HUB				
HUB %				

Print Name SIGNATURE Date



TRANSPORTATION AND NATURAL RESOURCES
JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building, 11th Floor
P. O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

July 29, 2008

MEMORANDUM (REVISED)

TO: Cyd Grimes, County Purchasing Agent

FROM: Joseph P. Gieselman, Executive Manager

SUBJECT: Place Item on Commissioners Court Agenda to Award a Construction Services Contract for the FY 2008 HMA Overlay Program

Proposed Motion: Award construction service contract for the above project in the amount of \$2,720,812.42 to the apparent low bidder Wheeler Coatings Asphalt, LP.

Summary and Staff Recommendation: On Thursday, June 12, 2008, Travis County received bids from four vendors in response to IFB B080204-LP. TNR has reviewed the bids and would like to award the construction contract to the apparent low bidder Wheeler Coatings Asphalt, LP. for \$2,720,812.42 for work in Precinct 1, 2, City of Lakeway, LCRA – Pace Bend Park and East Service Center.

Budgetary and Fiscal Impact: The account numbers for this work are as follows:

Precinct 1

Acct. Number 099-4941-621-8164	968/053	\$ 507,825.00
Acct. Number 405-4941-808-8164 COR001	968/053	\$ 375,000.00
Acct. Number 433-4941-808-8164 COR001	968/053	\$ 25,065.08
Acct. Number 506-4941-808-8164 COR001	968/053	<u>\$ 64,000.00</u>
Total Precinct 1		<u>\$ 971,890.08</u>

Page 2
July 29, 2008
Award Construction Contract for the FY 2008 Hot Mix Overlay

Precinct 2

Acct. Number 433-4941-808-8164	COR001	968/053	\$ 24,934.92
Acct. Number 435-4941-808-8164	COR001	968/053	\$ 65,000.00
Acct. Number 449-4941-808-8164	COR001	968/053	\$ 100,000.00
Acct. Number 453-4941-808-8164	COR001	968/053	\$ 80,000.00
Acct. Number 506-4941-808-8164	COR001	968/053	<u>\$ 298,452.48</u>
Total Precinct 2			<u>\$ 568,387.40</u>

City of Lakeway

Acct. Number 475-4993-750-6099	X3L004	968/048	\$ 254,901.60
Total City of Lakeway			<u>\$ 254,901.60</u>

LCRA – Pace Bend Park

Acct. Number 029-4945-631-8120	WPS003	988/064	\$ 220,349.55
Total LCRA – Pace Bend Park			<u>\$ 220,349.55</u>

East Service Center

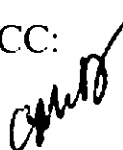
Acct. Number 510-4912-808-8105	XESC01	909/011	\$ 705,283.79
Total East Service Center			<u>\$ 705,283.79</u>

The \$2,720,812.42 will be encumbered under requisition number 438471.

Required Authorizations: Planning and Budget, County Attorney’s Office, Auditor’s Office.

Exhibits: Bid tabulation summary.

BC:JPG:bc

CC:  Jessica Rio, Planning & Budget Office
 Lee Perry, Purchasing
 Sean O’Neal, Auditors
 Don Ward, TNR
 Brunilda Cruz, TNR

TRAVIS COUNTY
Purchase Requisition

Number : 0000438471
 Type : 1 PURCHASE REQUISITION
 Status : AUDITOR APPROVAL
 Reason : TO ENCUMBER PENDING CONTRACT AWARD ATTN: M BRICE
 By : BRUNILDA CRUZ 854-7679
 Date : 4/22/08
 Vendor : 66363 WHEELER COASTING ASPHALT L P
 Contract nbr :
 Ship to : Z1 TNR ADMIN - 11TH FLR
 Deliver by date : 4/22/08
 Buyer :
 Fiscal year code . . . : C C=Current year, P=Previous year, F=Future year

Type options, press Enter.

5=Display 8=Item extended description

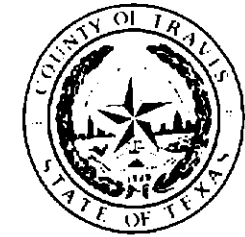
Opt Line#	Quantity	UOM	Description
1	971890.08	DOL	TYPE C HMAC OVERLAY PROJECT
			PRECINCT 1 GROUP A
			PRECINCT 2 GROUP B

Total: 2720812.42
F9=Print

COMMENTS EXIST

F3=Exit F7=Alternate view
F10=Approval info F12=Cancel F20=Comments

F7=Alternate view



21

TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-9436

RECEIVED
COUNTY CLERK'S OFFICE
08 JUL 30 PM 3:13

July 29, 2008

MEMORANDUM

TO: Members of the Commissioners Court

FROM: Joe Gieselman
Executive Manager

SUBJECT: Ranger Residence Policy Supplemental Memorandum

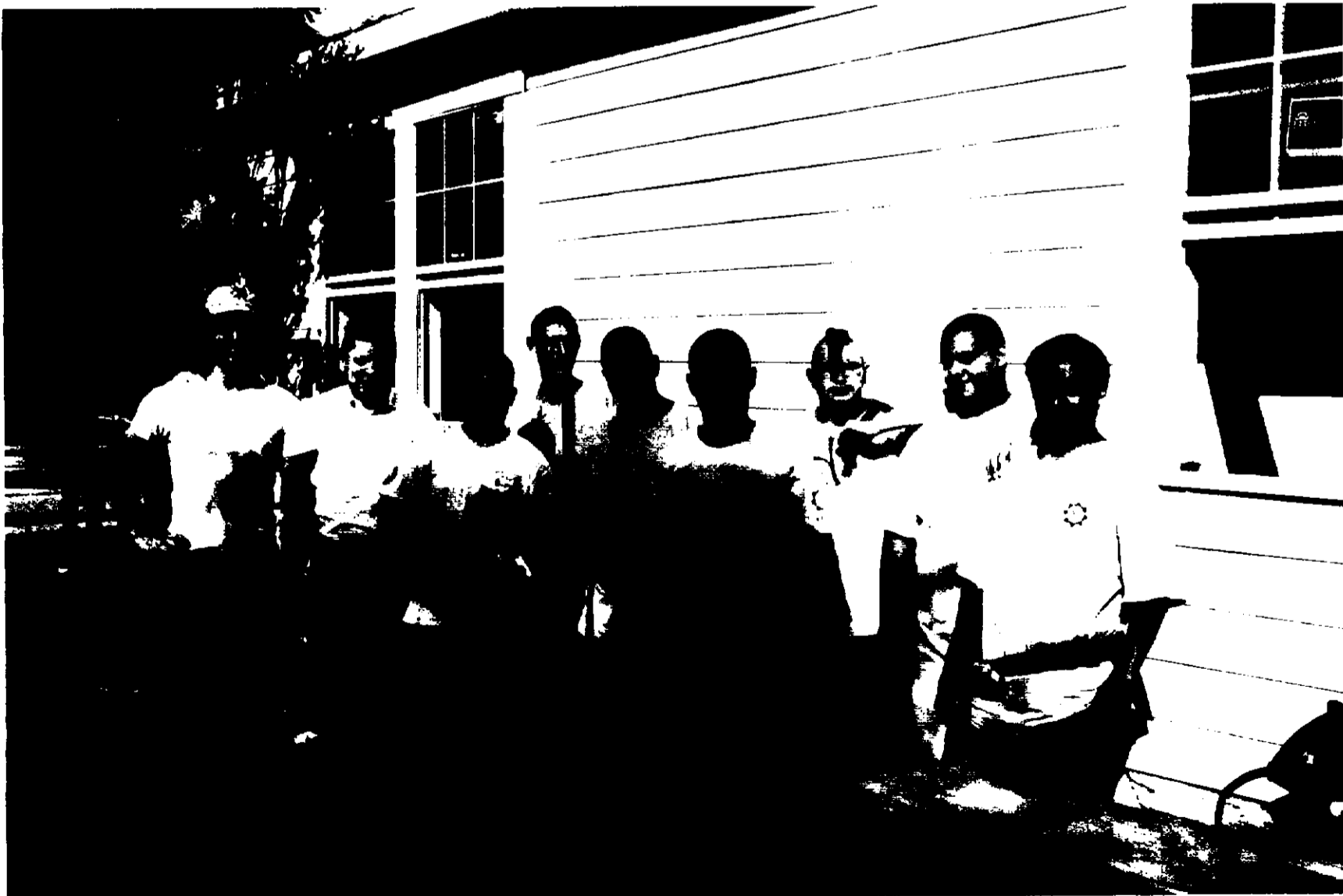
On July 8, 2008, TNR presented to the Commissioners Court a proposed Park Ranger Residence Policy. No action was taken that day; however, several questions were raised about the proposed policy. This memorandum addresses those questions.

TNR recognizes that the implementation of this policy incurs both short-term and long-term financial impacts. Facilities Management estimates that a 1,350 square foot residence will cost \$275,000 construct. However, TNR believes that significant savings can be realized by phasing the construction of the residences over several years, and by collaborating with social service agencies that offer skill-based training to young adults.

The County currently contracts through Health and Human Services with American YouthWorks (AYW) to provide capital improvement projects in the county parks. AYW is affiliated with AmeriCorps, which is a nonprofit organization that provides skill-based training and education for disadvantaged youth. Associated with AYW is Casa Verde Builders, which is a project-based education program that teaches members hands-on construction skills and applied academics through building single-family, energy-efficient, affordable housing. By utilizing Casa Verde Builders, the County could save money on construction while providing young adults with valuable training and skills. Casa Verde has recently completed the renovation of an existing building at Southeast Metropolitan Park. (Please see attached photos on next page.)



American Youth Works - Casa Verde Program: Southeast Metro Park, July 2008



American Youth Works - Casa Verde Program: Southeast Metro Park, July 2008

Although there is current need for a ranger residence at several locations, TNR recommends the following phasing schedule:

- 1st year – Northeast Metropolitan Park (replacement of substandard housing).
- 2nd year – East Metropolitan Park
- 3rd year – Southeast Metropolitan Park

Future residences based on infrastructure development:

- Milton Reimers Ranch Park
- Arkansas Bend Park

Background:

Rangers in residence deter illegal activities and vandalism in the park, prevent park resource losses, and add to the overall security of park visitors.

On a weekly basis, resident park rangers provide visitor information and assistance for facility rentals, day and night auto emergencies, as well as general park information. Resident park rangers, acting as department liaisons, attend monthly meetings of neighborhood and volunteer organizations that serve or impact park operations. On a regular basis, resident park rangers provide operational assistance to staff during periods of heavy park visitation.

Park ranger residents are called upon to respond to emergency situations such as unexpected freezing, flooding or other natural events that impact park facilities. Resident rangers also respond to infrastructure alarms and other emergencies; more information is given below in answer to the Court’s questions.

Questions raised by Commissioners Court:

What are the criteria for parks with Resident Park Rangers?

Three criteria are generally employed in determining placement of residences:

Value of Infrastructure

Many of our parks represent multi-million dollar investments by the County. Monitoring and protection of these assets and infrastructure, some of which require 24-hour attention, is critical. When water well pumps, septic pumps and irrigation systems go out of service and alarms are activated, resident rangers play a vital role in securing threatened or unsafe areas until such time as repairs can be made. The resident park ranger also plays a key role in the event of evacuation of a park for any reason, especially during severe weather and/or flooding events. The resident park ranger provides management support to staff and responders during an emergency event and deter illegal activities and vandalism in the park, prevent park resource losses, and add to the overall security of park visitors. The deterrent value of a resident in a park is difficult to estimate; however, as an example: the City of Austin has a residence at its golf courses and metropolitan parks. As on a golf course, one person in a pickup truck could do extensive damage to County sports fields in a short time.

Geographic Location

TNR has recommended locating seven residences strategically in order to cover 33 county parks and ultimately 30,000 acres of Balcones Canyonlands Preserve throughout the county. Residences located at Northeast Metropolitan Park, Bob Wentz Park, and Pace Bend Park, East Metropolitan Park (future), Southeast Metropolitan Park (future), facilitate ranger response time throughout the County. As infrastructure improvements are developed at Arkansas Bend Park and Milton Reimers Ranch Park (future), residences will be requested. Each park within the system does not need a residence: however, the residence should be located in order to effect a timely ranger response to a situation in a geographic area. A Response Area map was included in the original presentation.

Rangers now occupy residences in three parks. The current residents are:

Bob Wentz Park	Dan Chapman (Chief Park Ranger)
Pace Bend Park	Peter Burke (Park Ranger Supervisor)
Northeast Metropolitan Park	Jim Corrigan (Park Ranger)

Overnight Camping

Pace Bend, Arkansas Bend, Cypress Creek, and Sandy Creek parks all accommodate overnight campers. Currently, Pace Bend is the only park with a residence, principally because of its size and capacity (on a typical summer weekend, approximately 600-800 persons are in the park overnight). A proposed residence at Arkansas Bend Park would facilitate ranger response to Sandy Creek; the ranger in the Bob Wentz residence responds to Cypress Creek.

Give 2-3 examples of incidents at a park with ranger residents. And/or what has been prevented?

- In the 1997 Onion Creek flood, the resident park ranger was available to save the loss of county fixed assets such as mowers, tractors, vehicles, tools and equipment, estimated at over \$250,000.
- In 2006, at Pace Bend Park, park staff notified the resident park ranger of a burglary of a vehicle, which had just occurred. The ranger responded immediately and met with the complainant. While interviewing the complainant, the suspect vehicle was seen exiting the park. The resident ranger was able to apprehend the suspect, recover the stolen items, and took the suspects to jail. Without a resident ranger, the response could have been 30 minutes to one hour, the suspects may not have been caught and the stolen items may not have been recovered.
- In Summer 2002, the Pace Bend Park ranger was roused out of the residence during early morning hours to respond to a swimmer in distress. The ranger was able to use a County boat kept at the park at the time to rescue the swimmer, who was clinging to a rock in the lake. This act undoubtedly deterred a drowning.

- In June 2008, six vehicles (both County- and personally-owned) were the victims of a theft, in which suspects cut out and stole the vehicles' catalytic converters for the value of its precious metal. This criminal act may have been prevented by the presence of a resident ranger. In addition, after-hours trespassers have repeatedly depleted the park's fishing ponds, which has had a financial impact as well as affecting the enjoyment of visitors participating in our youth fishing programs.

Typical situations occurring in day use parks on a regular basis and that are resolved by resident rangers include:

- Before/After hours trespassers. This is the most common occurrence. While the majority of trespassers are just walking through the park with no apparent criminal intent, their safety and well-being could be jeopardized should they get injured. The Bob Wentz resident records, on average, 1-3 trespass incidents per week during the summer season.
- Infrastructure and security alarms. Another fairly common response. The Northeast Metro resident has responded at least twice to the sewage pump alarm in the park and has averted overflows of wastewater from holding tanks onto parking lots and playing fields. The Bob Wentz resident has also responded to the sewage pump alarms in the park and is on the call down list for Hippiie Hollow, Bob Wentz, Mansfield Dam, Cypress Creek, Sandy Creek, and Arkansas Bend parks entrance station security alarms. The Arkansas Bend entrance station was burglarized (attempted) twice in the summer of 2004. The Bob Wentz resident responds to approximately 20 security alarm calls per year.
- Scheduled activities beyond day use hours. At our athletic complexes, even though day use hours generally end shortly after sunset, scheduled sports activities are allowed to continue until 10:30 PM, resulting in the last participants often not exiting the park until after 11:00 PM. The resident ranger at Northeast Metro regularly assists in securing the park and in ensuring that all participants leave in an orderly fashion.

What are the residence policies of some other urban counties?

Residences are placed in parks to protect assets, provide security, provide visitor services, and respond to emergencies. Types of parks that warrant residences are generally those that have high value assets, including **sports complexes and golf courses**. In addition, overnight camping and geographic location are factors in residence locations.

- **Austin Parks and Recreation Department**

Has a residence at the following locations:

- Lake Emma Long Metropolitan Park
- Walter Long Metropolitan Park
- Zilker Park (for over 75 years)
- Morris Williams Golf Course
- Jimmy Clay / Roy Kizer Golf Course
- Lions Municipal Golf Course

- **Williamson County Parks and Recreation Department**
 - 1,500 sq. ft. residence (includes small office)
 - Cost: \$150,000
 - Will have on-site park supervisor as tenant

- **Leander Parks and Recreation Department**
 - Has a lease agreement for park residence tenant at Devine Lake Park, but no formal tenant policy.
 - Tenant leases the premises free of rent as part of tenant's compensation for employment. It appears that utilities are included in the lease.

- **Texas Parks and Wildlife Department (TPWD)**
 - For employees designated to reside at TPWD sites, TPWD furnishes all water, waste disposal, electricity and gas for state-owned residences, privately owned mobile homes and recreational vehicles.
 - Employees designated to reside in State-owned housing by TPWD must pay 20% of the fair market rental value of the residence as determined by the General Land Office.

How quickly can we respond to an incident in a park?

Without resident park rangers, response may vary from 45 minutes to 1 hour, depending where the on call park ranger lives, or where he/she is when the call is received. Because the resident ranger is intimately familiar with the parks, response time to incidents within large parks is greatly reduced.

Example: 1:00 AM call at Pace Bend Park

1) With Resident Ranger

- Resident Ranger gets call and is on the scene within 15 minutes.

2) Without Resident Ranger

- Call goes to TCSO.

- TCSO responds and is on the scene within 25-40 minutes, depending on location of nearest deputy, **or**

- Park Ranger gets notified, picks up TC-TNR vehicle and drives to site (between 45 minutes and 1 hour).

3) Park Ranger's salary for response time is paid in both scenarios. Time and money are saved with Resident Ranger living on site.

What are the costs involved with private security?

The cost of private security depends on the number of hours needed, the frequency of patrols, and the number of parks patrolled. In addition, if there is an incident, park rangers or other officers will be required to respond because the security contractor will not be certified to communicate directly with law enforcement or medical response agencies and/or to resolve criminal incidents inside the parks.

What is the tax value to employees living in park residences?

The Park Rangers do not pay rent for the Ranger Residence but do pay for utilities and also pay Federal income tax on the estimated value of the rent benefit (see below Court-adopted policy). The 2008 annual taxable benefit to the ranger is as follows:

- Bob Wentz Park Residence: \$8,949
- Northeast Metro Park Residence: \$4,320
- Pace Bend Park Residence (new): \$9,900

How is a resident's response time calculated?

Resident rangers are "on the clock" when they respond. Residents do not enjoy a benefit of "on call" pay. Responses are tabulated on a daily basis. If the affected resident cannot "flex" out the response time, then the time is entered as overtime.

What is the old policy?

Copied below is the entire current policy, which was adopted by Court on February 22, 2000.

10.0535 On-Site Residence For Park Staff

(a) Any park staff member who lives in County-owned housing receives a taxable benefit equal to the fair market rental value of the property based on an annual inspection of the housing and the application of the formula in (d) which considers the size, condition, location, and amenities of the housing. The housing should be inspected annually and whenever there is a change in resident to determine whether adjustments should be made in the most recent application of the formula.

(b) While residing in the county-owned housing, the parks staff member is responsible for the following:

- (1) Maintaining the house and grounds adjacent to the housing in a clean, neat and orderly manner;
- (2) Paying all utilities associated with the use of the housing, including all costs of any telephone lines installed by the resident for personal use.
- (3) Assuming all risk to and insurance of all property of the resident on the premises;
- (4) Maintaining personal liability insurance for injuries and damage resulting from the acts and omissions of the parks staff member and his family.
- (5) Restricting use of the housing to the parks staff member and his family, which may include his spouse, children, including, adopted and foster children, and parents.
- (6) Ensuring that any pets maintained by the parks staff member or his family:
 - (A) are reasonable in number and size,
 - (B) have all legally required vaccinations, including rabies vaccinations, annually.
 - (C) do not create a health or safety hazard in the park and
 - (D) do not interfere with the official operation of the park.

(7) Maintaining records of all required vaccinations of pets.

County is responsible for the following:

(1) Major structural maintenance and repair of the building:

(2) Maintenance of a phone line, with a county telephone number for official use only

The formula for determining the taxable benefits for each park residence is as follows:

(1) The fair market rental value of the house equals the total square footage of the house multiplied by the average rate per square foot for rental houses in the Austin area multiplied by .01 and multiplied by the points assigned to adjust for the size, condition, location, and amenities of the housing.

(Square Feet X Rental Rate X .01 X Total Points Assigned = Fair Market Rental Value)

(2) Points shall be assigned to adjust for the size of the housing as follows:

(A) for a residence with less than 800 square feet 05 Points

(B) for a residence with 800 to 1200 square feet 10 Points

(C) for a residence with more than 1200 square feet 20 Points

(3) Points shall be assigned to adjust for the condition of the housing as follows:

(A) for a residence that requires substantial repair and upgrade 0 Points

(B) for a residence that require minimal repair and upgrade 10 Points

(C) for a residence that is in good condition throughout 20 Points

(D) for a residence that is in superior condition throughout 30 Points

(4) Points shall be assigned to adjust for the location of the housing as follows:

(A) for a residence located within or attached to a maintenance area, park office or other functional park area 0 Points

(B) for a residence located in a park open to the public 24 hour/day 10 Points

(C) for a residence located in a day use only park 20 Points

(5) Points shall be assigned to adjust for the amenities of the housing as follows:

(A) for a residence with central heating 10 Points

(B) for a residence with central air conditioning 10 Points

(C) for a residence with stove, refrigerator or dishwasher

10 Points

Cc Jessica Rio, PBO
Roger El Khoury, TNR
Charles Bergh, TNR
Robert Armistead, TNR
Cynthia McDonald, TNR
Dan Chapman, TNR

22

Travis County Commissioners Court Agenda Request

Voting Session 8/05/08
(Date)

Work Session _____
(Date)

- I. A. Request made by: Joseph P. Gieselman Phone # 854-9383
Executive Manager, TNR
- B. Requested Text:

Consider and take appropriate action on the request to use Alternative Fiscal for Avalon, Phase 9A - a subdivision in Precinct 2.

C. Approved by: _____
Commissioner Sarah Eckhardt, Precinct 2

- II. A. Is backup material attached*: Yes X No _____
*Any backup material to be presented to the court must be submitted with this Agenda Request (original and 8 copies).

B. Have the agencies affected by this request been invited to attend the Work Session?

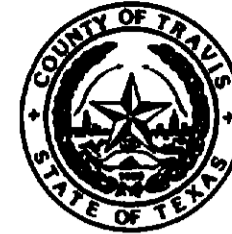
Yes X No _____ Please list those contacted and their phone numbers:

<u>AB</u> Anna Bowlin - 854-9383	John Hille - 854-9415
John Ellis - 854-9383	Sarah Sumner - 854-9383

III. Required Authorizations: Please check if applicable:

- Planning and Budget Office (473-9106)
 Additional funding for any department or for any purpose
 Transfer of existing funds within or between any line item budget
 Grant
- Human Resources Department (473-9165)
 A change in your department's personnel (reclassifications, etc.)
- Purchasing Office (473-9700)
 Bid, Purchase Contract, Request for Proposal, Procurement
- County Attorney's Office (473-9415)
 Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 PM on Tuesday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building, 11th Floor
P.O. Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

MEMORANDUM

Date: July 24, 2008

TO: Members of the Commissioners Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM:  Anna Bowlin, Division Director - Development Services 

SUBJECT: Consider and take appropriate action on the request to use Alternative Fiscal for Avalon, Phase 9A - a subdivision in Precinct 2.

Summary and Staff Recommendation:

The developer of the subject subdivision requests to have the plat held in abeyance while the street and drainage facilities are constructed. Staff recommends approval of the proposed motion.

Budgetary and Fiscal Impacts:

There are no budgetary and/or fiscal impacts. Fiscal is posted for restoration of disturbed areas should construction not be completed.

Issues and Opportunities:

Under Alternative Fiscal the Executive Manager of TNR holds the plat in abeyance and, upon completion of the items listed below, the Executive Manager of Transportation and Natural Resources Department authorizes the issuance of a Basic Development Permits for construction of streets and drainage facilities.

The developer, K M Avalon Ltd, has \$72,806.80 of the overall \$327,568.80 fiscal posting reserved for all sidewalks. They will be responsible for having the sidewalks inspected by a Registered Accessibility Specialist in order to have this portion of their fiscal posting released.

Plat Status

Staff has reviewed the plat and all comments have been addressed. The plat meets current standards and has everything in place such that it could be recommended for approval and recordation at this time.

Page 2
July 24, 2008

Revegetation/Erosion Control Fiscal

The fiscal for restoration, in the amount of \$254,762.00, has been posted with Travis County as part of two letters of credit equaling \$327,568.80. The difference, \$72,806.80, is posted for sidewalks.

Boundary/through Street Fiscal

Boundary street fiscal is not required.

Access to Publicly Maintained Road

Avalon, Phase 9A takes access from an already accepted portion of Jakes Hill Road, a portion that was accepted for maintenance by Travis County as part of Avalon, Phase 1.

Waste Water Service

Wastewater service for this subdivision will be provided by the City of Pflugerville.

Construction Plans and Engineer's Estimate of Construction Cost Approved

All Comments by Travis County staff have been addressed and reviewer is prepared to sign cover sheets of plans and issue Permit #08-0298. The estimated cost of the improvements includes all costs related (including temporary erosion controls, etc.) to construct all streets and drainage facilities, including all structures contributing to the total detention required. The current estimate of the construction cost for all internal improvements is approximately \$1,067,553.00.

The developer has signed the attached statement acknowledging that this action does not imply or guarantee plat approval by the Commissioners Court and that he/she understands the constraints related to the use of Alternate Fiscal. An additional document is now required – Extension of Sixty-Day Period for Completed Plat Application Final Action.

Background:

Avalon, Phase 9A covers 13.93 acres, contains 20 total lots, and has approximately 2,756.31 linear feet of streets.

Required Authorizations:

No additional authorizations are required.

Exhibits:

Alternate Fiscal Acknowledgment
Exhibit "A"
Extension of Sixty-day Period
Maps

PS:AB:ps

1102 Avalon, Phase 9A

Exhibit 82.401 (D)
(d) Alternative Fiscal Policy Request and Acknowledgement

STATE OF TEXAS §

COUNTY OF TRAVIS §

TO THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS:

The undersigned Owner proposes to subdivide that certain tract of land more particularly described in **Exhibit "A"**, which is attached hereto and made a part hereof. The Owner requests that Travis County's Transportation and Natural Resources Department ("TNR") hold the proposed plat of land in abeyance until all of the proposed subdivision improvements have been constructed to Travis County Standards for the Construction of Streets and Drainage in Subdivisions (the "Standards") to the satisfaction of the Executive Manager of TNR. In order to qualify for this Alternative Fiscal Policy, the proposed subdivision must meet the access criteria set forth in the Standards.

Under this Policy, the Owner is not required to post fiscal Security to secure the construction of the Improvements, but is required to obtain a Travis County Development Permit. The owner will be required to post fiscal for boundary streets improvements if they are not to be completed during the construction of the Improvements. Additionally, the Owner shall file Security with the submitted Final Plat to secure restoration of disturbed areas should construction not be completed.

Upon satisfactory completion of the Improvements, the submitted plat shall be forwarded by TNR to the Commissioners Court for approval and recording.

If the Owner elects to proceed under this option, the Owner acknowledges and agrees that, until the plat is filed, the Owner may not use the proposed subdivision's description in a contract to convey real property, unless the conveyance is expressly contingent on the recording and approval of the final plat and the purchaser is not given the use or the occupancy of the real property before the recording of the final plat, under penalty of prosecution under Section 12.002 of the Texas Property Code. In addition, the approval of Alternative Fiscal in no way constitutes approval of the proposed plat.

If the plat is to be approved and filed, the Owner must post Security in the amount of 10% of the cost of the completed Improvements to secure the performance of the construction of the Improvements for one year from the date of the approval of the plat and acceptance of the construction by the County.

Alternative Fiscal

Exhibit 82.401 (D) (d) Alternative Fiscal Request and Acknowledge – page 2 of 4

Executed this 22nd day of July, 2008.

OWNER: Km Avalon, Ltd,

1011 North Lamar

By: [Signature]

Address Austin, Texas

Name: Blake Magee

City, State 512 481-0303

Title: President

Phone 512-481-0333

Authorized Representative

Fax

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 22nd day of July, 2008, by Blake Magee in the capacity stated herein.

[Signature]
Notary Public in and for the State of Texas

Amy Frederick
Printed or typed name of notary

My Commission Expires: 4/19/10

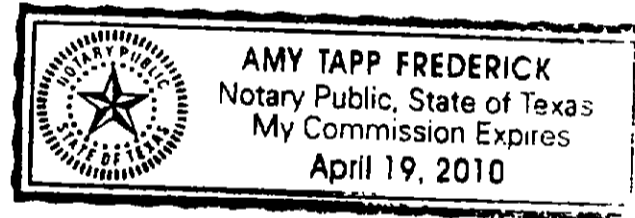


Exhibit 82.401 (D) (d) Alternative Fiscal Request and Acknowledge – page 3 of 4

Alternative Fiscal

TRAVIS COUNTY, TEXAS:

By: _____
County Judge

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me by County Judge Samuel T. Biscoe, on the _____ day of _____, 2008, in the capacity stated herein.

Notary Public in and for the State of Texas

Printed or typed name of notary
My commission expires: _____

Exhibit 82.401 (D) (d) Alternative Fiscal Request and Acknowledge – page 4 of 4

SAMPLE EXHIBIT "A" OR FIELD NOTES

Alternative Fiscal

§ EXHIBIT A: METES AND BOUNDS DESCRIPTION OF PROPERTY

**AVALON, PHASE 9A
METES AND BOUNDS DESCRIPTION OF A
13.93 ACRE TRACT IN THE EDWARD FLINT SURVEY NO. 11, A-277
TRAVIS COUNTY, TEXAS**

All that certain 13.93 acres of land out of the 44.99 acre tract described in the deed from Ronny Rinderknecht, et al to KM Avalon, LTD. recorded under Document No. 2005118415, in the Official Public Records of Travis County, Texas, out of the 45.00 acre tract described in the deed from Jeff Rinderknecht, et al to KM Avalon, LTD. recorded under Document No. 2005118420, in the Official Public Records of Travis County, Texas, and out of the 59.99 acre tract described in the deed from George Freeborn, Jr., et al to KM Avalon, LTD., recorded under Document No. 2005118413, in the Official Public Records of Travis County, Texas, in the Edward Flint Survey No. 11, A-277 in Travis County, Texas, and the Edward Flint Survey No. 11, A-277 in Travis County, Texas, and more particularly described by metes and bounds as follows: (All bearings based on the Texas state plane coordinate system central zone.)

BEGINNING at a ½" iron rod found in the north right-of-way line of Crispin Hall Lane (a 60' right-of-way) of the Final Plat of Avalon Phase 1, according to the plat thereof recorded under Document No. 200600308, in the Official Public Records of Travis County, Texas;

THENCE North 52° 10' 10" East – 609.76' along the east line of said Avalon Phase 1, to a ½" iron rod found for the most easterly northeast corner of said Avalon Phase;

THENCE North 52° 09' 04" East – 162.16' to a ½" iron rod with a cap marked "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 09° 06' 43", a radius of 935.00', and from which point the radius bears North 37° 49' 54" West;

THENCE along said curve to the left, in a northeasterly direction, an arc distance of 149.49', to a ½" iron rod set for the Point of Compound Curvature of a curve to the left, having a central angle of 26° 09' 54", a radius of 25.00', and from which point the radius bears South 67° 20' 04" West;

THENCE along said curve to the left, in a northwesterly direction, an arc distance of 11.42' to a ½" iron rod with a cap marked "PATE" set for the end of curve;

THENCE North 40° 55' 11" East – 60.00' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 48° 56' 06" East – 0.42' to a ½" iron rod with a cap marked "PATE" set for the Point of Curvature of a curve to the left, having a central angle of 92° 41' 42", a radius of 25.00', and from which point the radius bears North 40° 22' 12" East ;

THENCE along said curve to the left, in a northeasterly direction, an arc distance of 40.45', to a ½" iron rod set for the Point of Compound Curvature, of a curve to the left, having a central angle of 05° 29' 32", a radius of 955.00', and from which point the radius bears North 52° 19' 14" West;

THENCE along said curve to the left, in a northeasterly direction, an arc distance of 91.54' to a ½" iron rod set for the most northerly northwest corner of the herein described tract;

THENCE South 57° 48' 46" East – 90.00' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

PAGE 2 AVALON PHASE, 9A

THENCE South 50° 45' 12" East – 404.53' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 32° 46' 28" East – 60.00' to a ½" iron rod with a cap marked "PATE" set for the most northerly northeast corner of the herein described tract, and being a point on a curve to the left, having a central angle of 07° 41' 51", a radius of 530.00', and from which point the radius bears South 32° 45' 02" East;

THENCE along said curve to the left, in a southwesterly direction, an arc distance of 71.20' to a ½" iron rod with a cap marked "PATE" set for the end of curve;

THENCE South 40° 25' 07" East – 127.87' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 45° 14' 26" West – 60.89' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 31° 49' 18" West – 60.72' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 27° 52' 39" West – 60.13' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract

THENCE South 19° 11' 45" West – 60.13' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract

THENCE South 10° 30' 52" West – 60.13' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 01° 01' 07" West – 60.07' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 06° 50' 56" East – 60.00' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 15° 31' 50" East – 60.00' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 24° 31' 34" East – 75.02' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract

THENCE South 24° 06' 10" East – 60.03' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

THENCE South 25° 56' 19" East – 75.00' to a ½" iron rod with a cap marked "PATE" set for an angle corner of the herein described tract;

PAGE 3 AVALON PHASE, 9A

THENCE South 64° 03' 37" West – 265.03' to a ½" iron rod with a cap marked "PATE" set for the most easterly southeast corner of the herein described tract, in the north line of Lot 92, Block Z, of the Final Plat of Avalon Phase 2, according to the plat thereof recorded under Document No. 200600309, in the Official Public Records of Travis County, Texas;

THENCE North 30° 59' 36" West – 928.64', along the north line of said Lot 92, Block Z, Avalon Phase 2, to a ½" iron rod found for an angle corner of the herein described tract, common to the northwest corner of said Lot 92, Block Z, Avalon Phase 2;

THENCE South 52° 10' 10" West – 592.34', along the west line of said Lot 92, Block Z, Avalon Phase 2, to a ½" iron rod found for the southwest corner of said Lot 92, Block Z, Avalon Phase 2, in the north right-of-way line of aforesaid Crispin Hall Lane, and being a point on a curve to the right, having a central angle of 66° 24' 07", a radius of 25.00', and from which point the radius bears North 75° 45' 08" East;

THENCE along said curve to the right, in a northeasterly direction, an arc distance of 28.97' to a ½" iron rod with a cap marked "PATE" set for the end of curve;

THENCE North 38° 53' 05" West – 100.02' to a found for an angle corner of the herein described tract, and being a point on a curve to the right, having a central angle of 66° 25' 52", a radius of 25.00', and from which point the center of said arc bears North 37° 50' 23" West;

THENCE along said curve to the right, in a southwesterly direction, an arc distance of 28.98' to the **POINT OF BEGINNING** and containing 13.93 acres.

Prepared by:
PATE SURVEYORS
a division of
Pate Engineers, Inc.
Job No. 1655-015-01-A500

Preliminary, this document shall
not be recorded for any purpose

Neil Hines, R.P.L.S. Date
Texas Registration No. 5642
Pate Surveyors
A Division of Pate Engineers, Inc.
7801 North Capital of Texas Highway
Suite 350
Austin, Texas 78731
512-340-0600

THIS LEGAL DESCRIPTION IS ISSUED IN CONJUNCTION WITH THE SUBDIVISION
PLAT FOR AVALON, PHASE 9A.

**EXHIBIT 82.201(C)
EXTENSION OF SIXTY-DAY PERIOD FOR
COMPLETED PLAT APPLICATION FINAL ACTION**

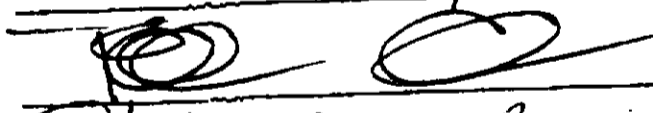
Date: 12/14/07

Owner's Name and Address: KM Avalon, Ltd.
1011 North Lamar
Austin, Tx 78703

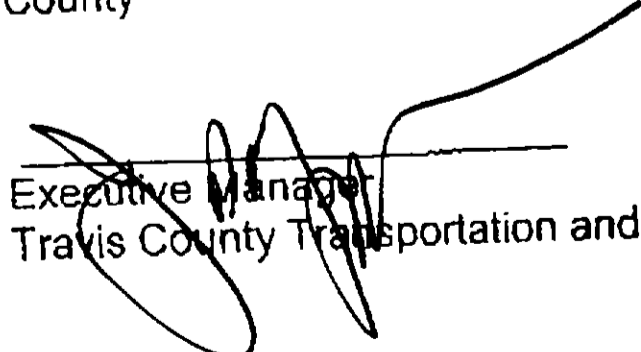
Proposed Subdivision Name and Legal Description (the "Property"):
Avalon Ph 9A

The undersigned Owner and the Executive Manager of Travis County Transportation and Natural Resources Department hereby agree that the sixty (60) day period for final action to be taken on a Completed Plat Application for the Property is hereby extended by mutual agreement and without compulsion until the date that all subdivision requirements have been met to Travis County standards to the satisfaction of the Executive Manager of TNR.

Executed and affective as of the date set forth below.

Owner: KM Avalon, Ltd.
By: 
Name: Blake Magee
Title: President
Authorized Representative

Travis County

By: 
Executive Manager
Travis County Transportation and Natural Resources Department

ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 14th day of December, 2007, by Blake Mage of Travis County, Texas, known to me personally or on the basis of an approved form of identification, in the capacity stated.

Amy J. Frederick
Notary Public, State of TEXAS

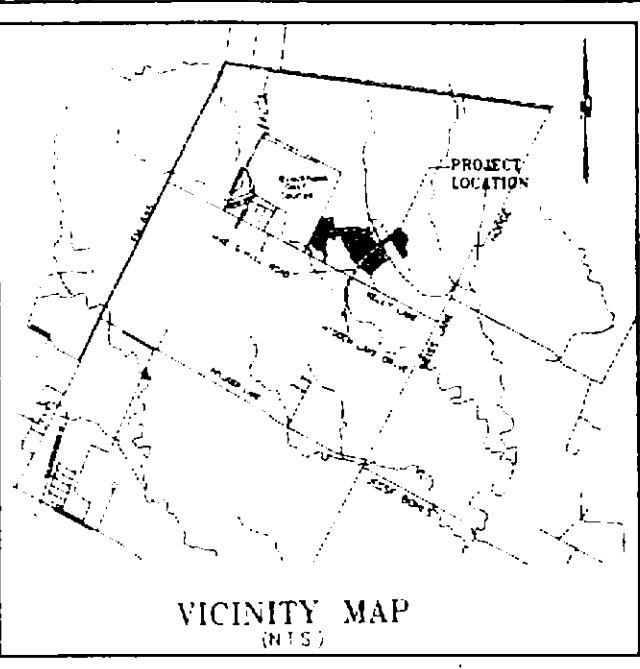
My Commission Expires: 4/19/10
Amy Frederick
(Printed Name of Notary)



After Completing Return To:

Travis County, Texas
Transportation and Natural Resources Department
P.O. Box 1748
Austin, Texas 78767-1748

Attention: Dennis Wilson



VICINITY MAP (N.T.S)

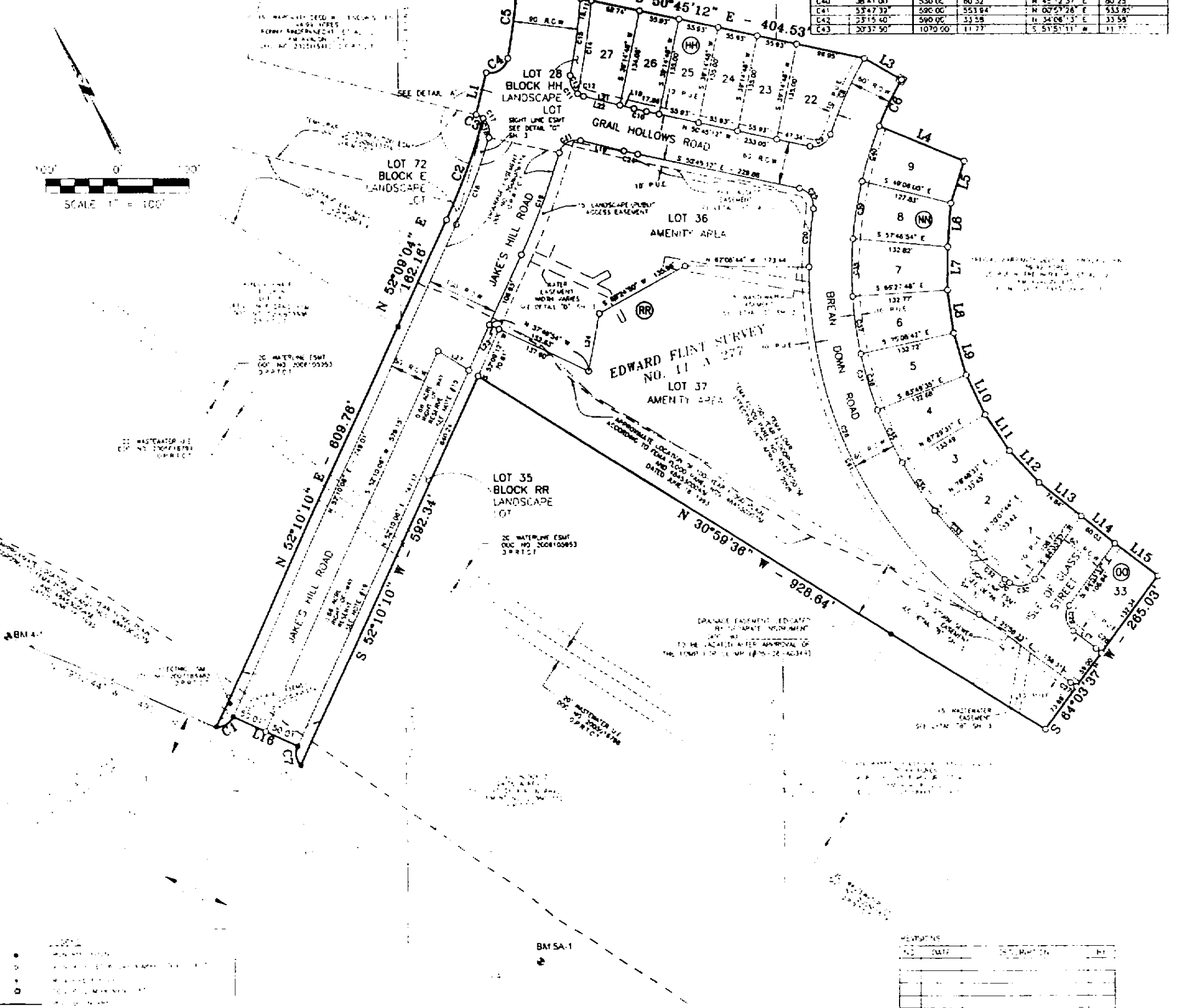
OWNER/SUBDIVIDER: KM AVALON LTD
BLAKE J. WAGEL, PRESIDENT
1011 N. LAMAR BLVD
AUSTIN, TEXAS 78703

SURVEYOR: PATE SURVEYORS
NEIL MINES, R.P.L.S.
7801 N. CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TEXAS 78731
TELEPHONE: (512) 340-0600
FAX: (512) 340-0604

ENGINEER: PATE ENGINEERS, INC
7801 N. CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TEXAS 78731
TELEPHONE: (512) 340-0600
FAX: (512) 340-0604

SPECIAL WARRANTY DEED #7, SPURTON'S 1111 1300 ACRES
1111 EIGHTH STREET ET AL TO
KM AVALON LTD
LAW NO 200318400 OPP 17
EDWARD FLINT SURVEY 4-277
JUNE 25 2005

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	66°25'52"	25.00	28.97	S 85°27'33" W	27.39
C2	09°26'43"	844.00	149.49	N 47°36'44" E	149.34
C3	26°20'42"	25.00	11.42	N 35°44'43" E	11.32
C4	37°41'42"	25.00	40.45	N 84°01'21" E	36.18
C5	25°29'32"	235.00	91.54	N 34°58'03" E	91.51
C6	37°41'51"	235.00	71.20	S 53°24'03" W	71.15
C7	86°24'07"	25.00	38.37	N 18°57'12" E	27.38
C8	1°14'43"	990.00	115.82	N 51°37'25" E	115.61
C9	83°14'48"	25.00	36.32	S 87°37'24" W	33.21
C10	2°49'05"	570.00	18.24	N 43°50'39" W	18.09
C11	8°03'28"	25.00	37.99	N 05°24'22" W	34.44
C12	2°15'02"	25.00	9.27	N 58°18'35" W	9.22
C13	65°48'25"	25.00	28.71	N 05°13'10" E	27.15
C14	07°04'02"	1060.23	130.76	S 35°43'19" W	130.65
C15	05°58'06"	1045.90	128.26	S 25°09'18" W	128.21
C16	07°42'29"	853.00	128.48	S 48°18'51" W	128.38
C17	9°17'15"	25.00	43.75	S 02°11'01" E	36.33
C18	87°07'33"	25.00	29.28	S 10°53'51" W	27.64
C19	08°12'48"	1035.00	150.82	S 48°04'42" E	150.49
C20	07°52'47"	590.00	81.14	N 31°47'39" E	81.08
C21	87°08'30"	25.00	34.01	N 87°32'33" E	24.45
C22	INTENTIONALLY DELETED				
C23	INTENTIONALLY DELETED				
C24	01°48'05"	830.00	19.99	N 49°50'39" W	19.96
C25	86°29'12"	25.00	37.74	S 07°30'33" E	24.25
C26	61°40'26"	590.00	635.08	N 04°53'50" E	604.86
C27	05°43'38"	100.00	13.60	N 28°48'12" W	9.99
C28	05°43'35"	100.00	8.99	S 23°04'35" E	9.99
C29	90°00'00"	25.00	38.27	N 15°03'37" E	35.96
C30	90°00'00"	25.00	38.27	N 70°58'23" W	35.36
C31	37°29'51"	530.00	69.32	N 11°48'22" E	648.89
C32	08°02'42"	530.00	23.92	N 27°55'02" E	22.89
C33	08°40'42"	530.00	80.28	N 15°33'20" W	80.27
C34	08°40'45"	530.00	80.28	N 08°52'38" W	80.27
C35	08°40'47"	530.00	80.29	N 01°45'09" E	80.21
C36	08°40'50"	530.00	80.30	N 15°28'58" E	80.22
C37	08°40'52"	530.00	80.30	N 19°02'48" E	80.23
C38	08°40'55"	530.00	80.31	N 27°50'42" E	80.23
C39	08°40'58"	530.00	80.32	N 36°31'38" E	80.24
C40	08°41'00"	530.00	80.32	N 45°12'37" E	80.25
C41	57°47'32"	590.00	553.84	N 02°57'28" E	533.85
C42	23°15'40"	590.00	33.58	N 34°08'13" E	33.58
C43	20°37'50"	1070.00	17.77	S 51°51'11" W	17.77



LEGEND

- Easement
- Right of Way
- Utility
- Survey Station
- Monument
- Boundary
- Proposed
- Abandoned
- Other

NOTES

- This plat was prepared from the field notes and sketches of the surveyor.
- The bearings and distances shown on this plat are the true bearings and distances.
- The area of each lot is shown in parentheses.
- The total area of the survey is 100.00 acres.
- The survey was conducted in accordance with the rules and regulations of the State of Texas.
- The survey was completed on June 25, 2005.
- The survey was approved by the State of Texas on June 25, 2005.
- The survey was recorded in Public Record Book 100, Page 123.
- The survey was recorded in Public Record Book 100, Page 124.
- The survey was recorded in Public Record Book 100, Page 125.
- The survey was recorded in Public Record Book 100, Page 126.
- The survey was recorded in Public Record Book 100, Page 127.
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- The survey was recorded in Public Record Book 100, Page 198.
- The survey was recorded in Public Record Book 100, Page 199.
- The survey was recorded in Public Record Book 100, Page 200.

LOT	BEARING	DISTANCE	AREA
22	N 25°55'33" W	91	91
23	N 48°56'26" W	11.93	11.93
24	N 48°56'26" W	11.93	11.93
25	N 37°49'54" W	15.23	15.23
26	N 38°23'35" W	40.70	40.70
27	N 52°12'06" W	106.93	106.93
28	N 42°50'33" E	2.82	2.82
29	S 30°53'36" E	52.38	52.38
30	N 52°09'12" E	3.23	3.23
31	S 37°50'48" E	89.35	89.35
32	N 88°24'59" E	23.60	23.60
33	N 21°46'27" E	16.25	16.25
34	N 88°24'59" E	26.50	26.50
35	N 11°50'48" E	18.57	18.57
36	S 01°06'09" E	42.44	42.44
37	S 88°13'10" W	7.20	7.20
38	N 21°06'29" W	43.18	43.18
39	N 47°52'48" W	113.28	113.28
40	N 52°15'58" W	105.92	105.92

LOT	BEARING	DISTANCE	AREA
41	N 25°55'33" W	91	91
42	N 48°56'26" W	11.93	11.93
43	N 48°56'26" W	11.93	11.93
44	N 37°49'54" W	15.23	15.23
45	N 38°23'35" W	40.70	40.70
46	N 52°12'06" W	106.93	106.93
47	N 42°50'33" E	2.82	2.82
48	S 30°53'36" E	52.38	52.38
49	N 52°09'12" E	3.23	3.23
50	S 37°50'48" E	89.35	89.35
51	N 88°24'59" E	23.60	23.60
52	N 21°46'27" E	16.25	16.25
53	N 88°24'59" E	26.50	26.50
54	N 11°50'48" E	18.57	18.57
55	S 01°06'09" E	42.44	42.44
56	S 88°13'10" W	7.20	7.20
57	N 21°06'29" W	43.18	43.18
58	N 47°52'48" W	113.28	113.28
59	N 52°15'58" W	105.92	105.92

FINAL PLAT
AVALON PHASE 9A
A 1990 ACRE DEVELOPMENT
OUT OF THE
EDWARD FLINT SURVEY NO. 111, ABSTRACT NO. 277
TRAVIS COUNTY, TEXAS

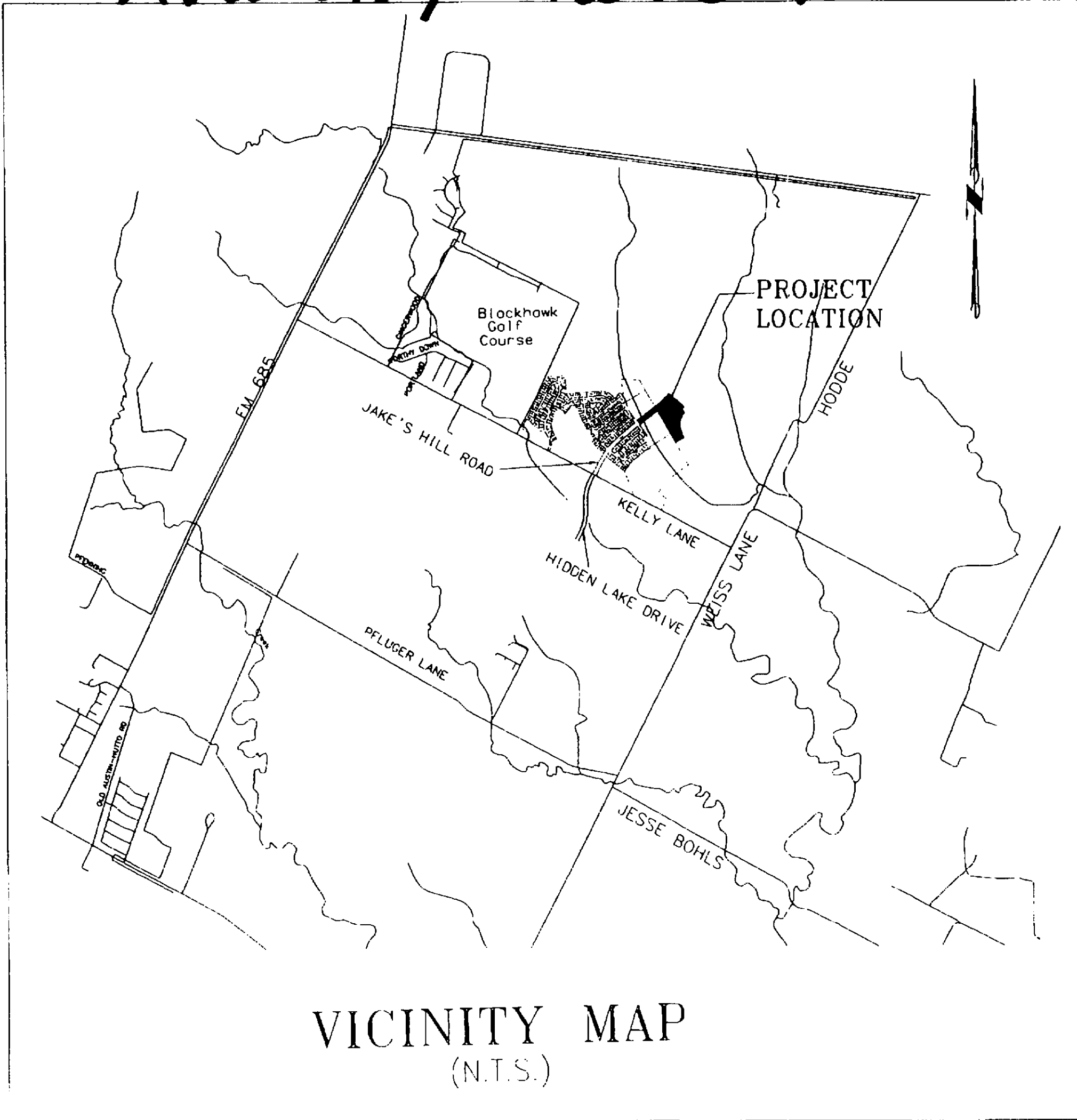
CONTAINING
21 LOTS & BLOCKS
JOB No. 1855-008-01-A500

PATE SURVEYORS

PATE SURVEYORS, INC.
7801 N. CAPITAL OF TEXAS HIGHWAY, SUITE 350
AUSTIN, TEXAS 78731
TELEPHONE: (512) 340-0600
FAX: (512) 340-0604

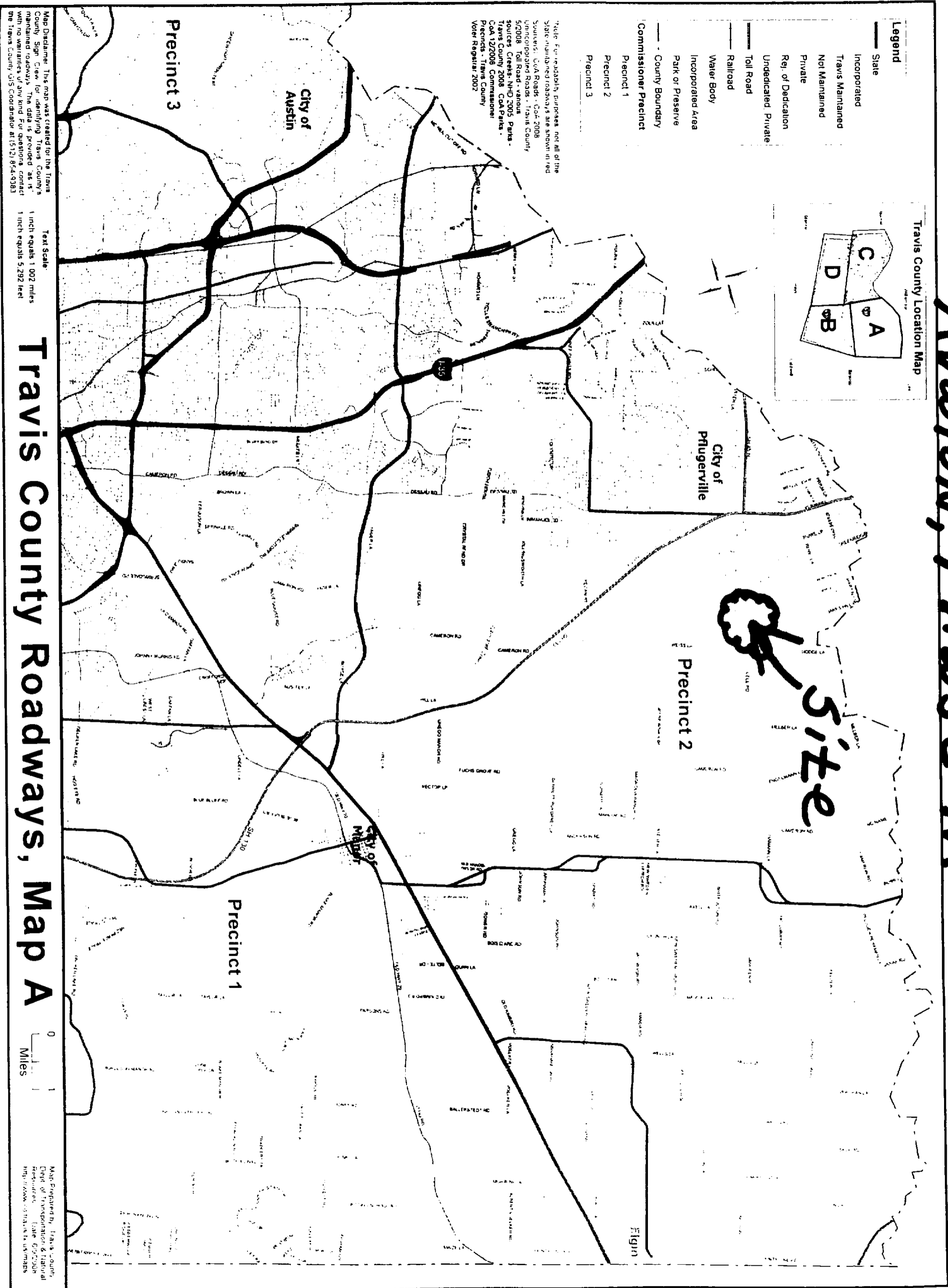
SHEET
1 OF 1

Avalon, Phase 9A



VICINITY MAP
(N.T.S.)

Avallon, Phase 4A



Travis County Commissioners Court Agenda Request

Voting Session 8/5/08
(Date)

Work Session _____
(Date)

I. A. Request made by: Joseph P. Gieselman Phone # 854-9383
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

B. Requested Text:

- 1) Consider and grant an exemption from platting requirements for, and/or take other appropriate action on, The Villas at Lakecliff Condominiums – seventy-eight (78) single-family units in seventy-eight (78) single-unit structures (24.778 acres located at 25904 Haynie Flat Road – water and sewage service to be provided by Aqua Source Utilities, Inc. (a.k.a. Lakeside Utilities)).
- 2) Approve a construction agreement for The Villas at Lakecliff Condominiums.

C. Approved by:

Commissioner Gerald Daugherty, Precinct Three

- II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (original and eight (8) copies of agenda request and backup).
- B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request. Send a copy of the Agenda Request and backup to them:

Teresa Calkins: 854-7569 John Ellis: 854-9805
AP Anna Bowlin: 854-7561 Chris Gilmore: 854-9415

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- ___ Additional funding for any department or for any purpose
 ___ Transfer of existing funds within or between any line item budget
 ___ Grant

Human Resources Department (854-9165)

- ___ A change in your department's personnel (reclassifications, etc.)

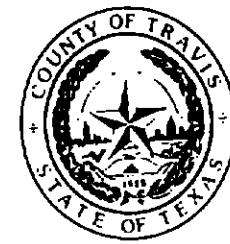
Purchasing Office (854-9700)

- ___ Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- ___ Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits MUST be submitted to the County Judge's Office no later than 5:00 p.m. on Tuesday for the following week's meeting. Late or incomplete requests will be deferred.



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383

MEMORANDUM

July 25, 2008

TO: Members of the Commissioners Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM: *AB* Anna Bowlin, Division Director, Development Services

SUBJECT: The Villas at Lakecliff Condominium Project

PROPOSED MOTION:

- 1) Consider and grant an exemption from platting requirements for, and/or take other appropriate action on, The Villas at Lakecliff Condominium Project – seventy-eight (78) single-family units in seventy-eight (78) single-unit structures (24.778 acres located at 25904 Haynie Flat Road – water and sewage service to be provided by Aqua Source Utilities, Inc. (a.k.a. Lakeside Utilities)).
- 2) Approve a construction agreement for The Villas at Lakecliff Condominium Project

SUMMARY AND STAFF RECOMMENDATION:

The condominium development consists of 78 single-family single-unit structures on 24.778 acres and will be served by a primary access road from Cliff Point. A secondary emergency access with crash gates will also be provided from Haynie Flats Road. All access drives will be private with maintenance and taxes being the responsibility of the condominium association. There are no on-site sewage facility, drainage, or floodplain issues associated with the development. Water and sewage services have been approved and will be provided by Lakeside Utilities. The Travis County Fire Marshall Office has also reviewed and approved the proposed site plan.

Since June of 2000, the Commissioners Court has taken the position that condominiums are subdivisions and that the law requires the developer of a condominium to prepare a plat, obtain its approval from the County, and file it in the plat records before lots may be sold. The Attorney General upheld that position in a July 2004 opinion that resulted from a dispute between Hays County and a condominium

developer. Although the County can legally apply all subdivision platting requirements to condominiums, the County has not required condominiums to comply. Instead, the County's practice has been to allow developers of condominiums to submit a site plan instead of a plat. Staff review involves applying standards in Chapter 82, Travis County Code. If TNR reviews the site plan and determines that the condominium doesn't pose major threats to public, health, safety, and welfare, the Commissioners Court has granted the condominium an exemption from platting requirements.

This condominium project will be constructed in three phases with water quality improvements included in the first two phases. The first phase of the development is proposed to provide 10 units; the second will add 36 units; and the third will contain the remaining 32 dwellings. No detention facilities are proposed for the development since adequate drainage conveyance is provided to Lake Travis. In order to provide assurance to the Court that infrastructure and drainage improvements will be completed prior to occupancy of the residences, the developer has executed and provided a Condominium Construction Agreement. A copy of construction agreement is attached to this memorandum.

During the environmental study of this property as required under the Interim Rules, a spring was discovered. The developer has provided the required environmental buffer and associated easement to protect this environmentally valuable feature.

The applicant has paid parkland fees in the amount of \$4818.00 on July 2, 2008 and construction inspection fees in the amount of \$5613.41 on July 24, 2008.

As this condominium site plan application meets Travis County standards, TNR staff recommends:

- 1) granting an exemption to platting for the proposed condominium project;
- 2) approval of the construction agreement.

ISSUES:

None.

BUDGETARY AND FISCAL IMPACT:

None.

REQUIRED AUTHORIZATIONS:

None.

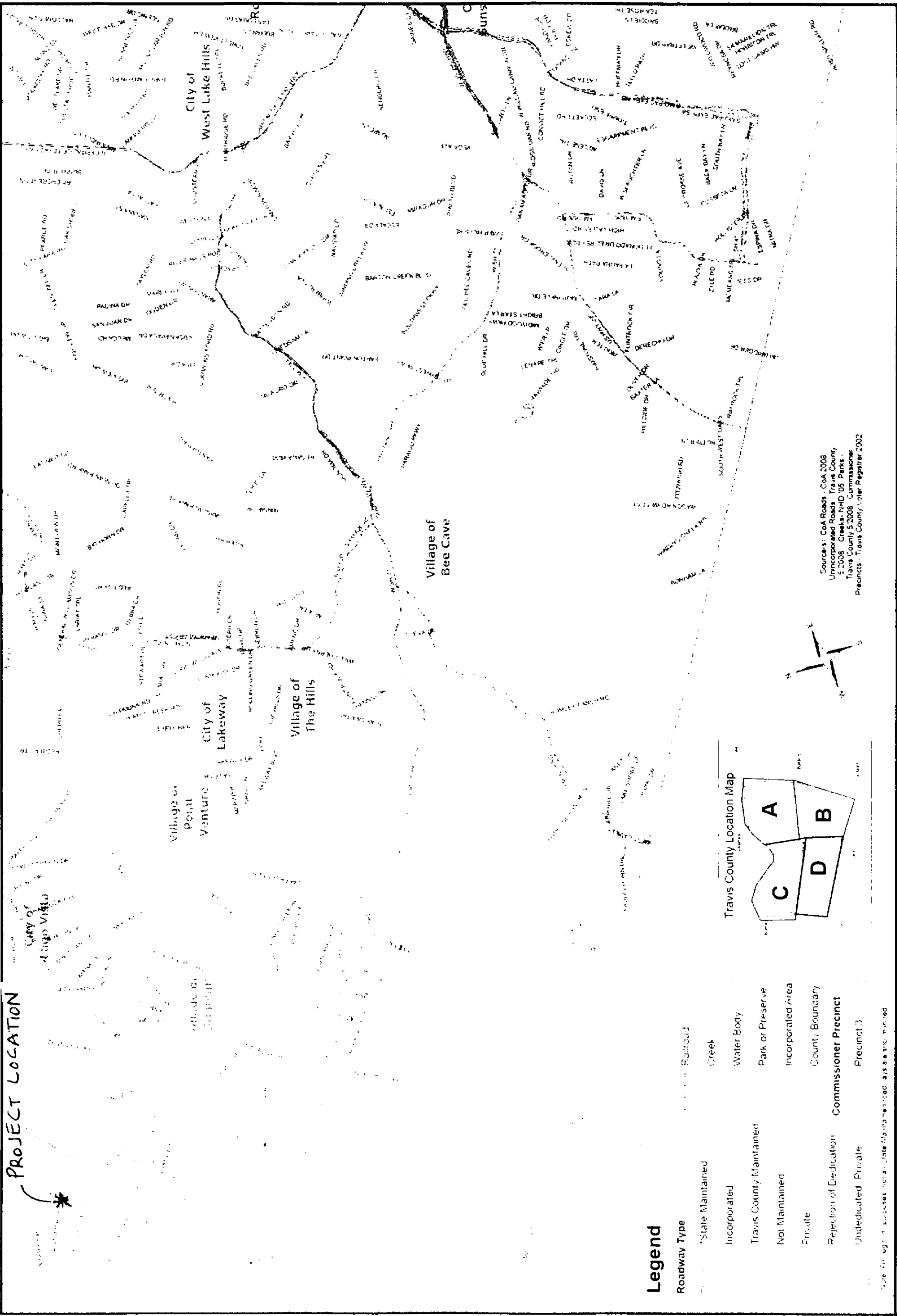
EXHIBITS:

Location map

Condominium Construction Agreement

Site Plan

AMB: jpe 808



Sources: CoA Roads - CoA 2008
 Unincorporated Roads - Travis County
 5/2008 - Creeks - NHD '05 Parks -
 Travis County 5/2008 - Commissioner
 Precincts - Travis County Voter Registrar 2002

Travis County Roadways, Map D

Map prepared by: Travis County
 Dept. of Transportation & Public
 Resources
 Date: 8/4/08
 Map: www.traviscountytx.gov

Scale: 1" = 1 mile
 Text Scale: 1" = 1 mile
 Date: 8/4/08

The Villas at Lakecliff
CONDOMINIUM AGREEMENT
Travis County, Texas

THIS CONDOMINIUM PHASING AGREEMENT is made and entered into by and between VLC Acquisition Group, LLC (the "**Developer**"), and Travis County, Texas, P.O. Box 1748, Austin, Texas 78767 (the "**County**"), hereinafter collectively referred to as the "**Parties**", for the purposes and consideration stated.

A. The Developer is in the process of developing a condominium regime on approximately 24.778 acres of land out of and a part of the R.R. Germany Survey Number 301, Abstract 331, situated in Travis County, Texas conveyed to VLC Acquisition Group, L.L.C., a Texas Corporation, recorded in Document Number 2008028052 of the Official Public records of Travis County, Texas (the "**Regime**") and desires to develop the Regime in phases (the "**property**").

B. The Developer and the County desire to provide for the orderly development of the Regime, including the completion of the private roadway (the "**Private Roadway**") and drainage improvements (the "**Drainage Improvements**") described in the Site Plan below, Exhibit "B" ("**Construction Plans**").

C. The Private Roadway will be constructed in three (3) phases, as described in the Construction Plan and as depicted on Exhibit "B" as "**Phase I**", "**Phase II**", "**Phase III**". Each phase is sometimes referred to herein as a "**Phase**".

D. The Developer and the County desire to establish a process to coordinate the improvement of the Private Roadway with the phased development of the Property;

NOW, THEREFORE, in consideration of these premises and the promises contained herein, the Developer and the County agrees as follows:

1. Subject to the terms in this Agreement, Travis County hereby grants the Developer an exemption from the requirement that the Developer prepare, obtain County approval for, and file in the official public records of the County a subdivision plat for the Regime.

2. Subject to the conditions contained in this paragraph and beginning with Phase I, the County will sequentially issue individual development permits to the Developer for construction of the Private Roadways located within the development and the Drainage Improvements serving each of the (3) Phases. Prior to the occupancy of any residential unit in the permitted Phase and prior to the Developer conveying any units in the next Phase in the sequence, Developer will be required to complete the Private Roadway located in the Drainage Improvements serving such permitted Phase. For example, in Phase I, Developer will be required to complete the portion of the Private Roadway located in Phase I and the Drainage Improvements serving Phase I before occupancy of any residential unit within Phase I and before conveying any units in Phase II. Completion will be evidenced by a letter of concurrence from a licensed professional engineer that the portion of the Private Roadway constructed within a phase has been completed in accordance with the Construction Plans. Upon delivery to and approval by the County of a letter of concurrence from a licensed professional engineer that the portion of the Private Roadway constructed within a phase has been completed in accordance

with the Construction Plans, the County shall execute, acknowledge and deliver to then current owner for the phase, an instrument in the form of Exhibit "A" for recordation in the Official Public Records of Travis County, Texas, releasing the phase from all of the terms, provisions and requirements of this Condominium Phasing Agreement.

3. If the Developer makes any revision to the Construction Plans modifying the Private Roadway or Drainage Improvements or the phasing plan reflected on such Construction Plans, and such revision is revised and approved, the County and the Developer will, to the extent required, either amend this Agreement or enter into an additional or supplemental agreement(s) to coordinate the phasing process and the future improvements of the Private Roadway.

4. Prior to the County's issuance of the development permit for Phase I, the Developer shall pay fees in lieu of park land dedication for all phases in the amount of 4,818.00. In addition, the Developer shall pay inspection fees in the amount of \$5,613.41, \$1.25 per linear foot of street, to be paid prior to the issuance of the construction permit for each phase.

5. Miscellaneous Provisions. All rights, privileges, and remedies afforded the Parties and cumulative and not exclusive and the exercise of any remedy will not be deemed a waiver of any other right, remedy, or privilege. The Parties agree that the granting of equitable remedies may, and probably will, be necessary in the event of a violation of the restriction. If any provision of this agreement is unenforceable, to the extent the unenforceability does not destroy the basis of the bargain between the Parties, this agreement will construed as if the unenforceable provision had never been a part of this agreement.

EXECUTED to be affective on the date fully executed by the parties.

VLC Acquisition Group, LLC
By: [Signature]
Printed Name: Kenneth Erwin
Title: Member
Date: 7/24/08

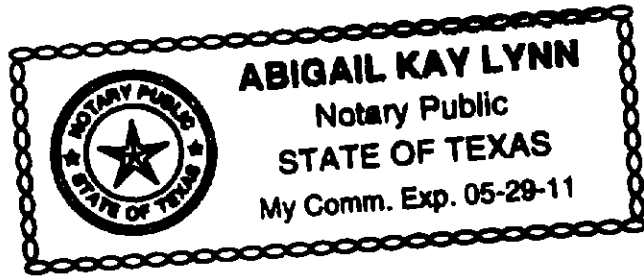
TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe, County Judge

Date: _____

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 24th day of July, 2008, by Kenneth Erwin, _____, of VLC Acquisition Inc. of Texas, Inc., a TEXAS Corporation, on behalf of said corporation and partnership.



Abigail Kay Lynn
Notary Public Signature

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

The instrument was acknowledged before me on the day of _____,
_____, by _____ of Travis County, Texas in the capacity stated.

Notary Public, State of Texas

After Recording Return to:
Travis County, Texas
Attn: Transportation and Natural Resources Department
P.O. Box 1748
Austin, Texas 78767

EXHIBIT "A"

Partial Release of Condominium Phasing Agreement

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

THAT Travis County, Texas, the beneficiary of that certain "Condominium Phase Agreement" which is filed of record as Document No. _____ in the Official Public Records of Travis County, Texas (the "**Phasing Agreement**") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, does hereby release that certain real property in Travis County, Texas, which is described on Exhibit " B " attached hereto and incorporated herein by reference (the "**Released Property**") from all of the terms, provisions and requirements of the Phasing Agreement. From and after the date of this instrument, the Phasing Agreement shall no longer affect or encumber the Released Property in any way. It is expressly agreed and understood, however, that this is a partial release and that the same shall not in any way release, affect or impair the Phasing Agreement as it relates to any property other than the Released Property.

Executed by the undersigned on the date set forth hereinbelow.

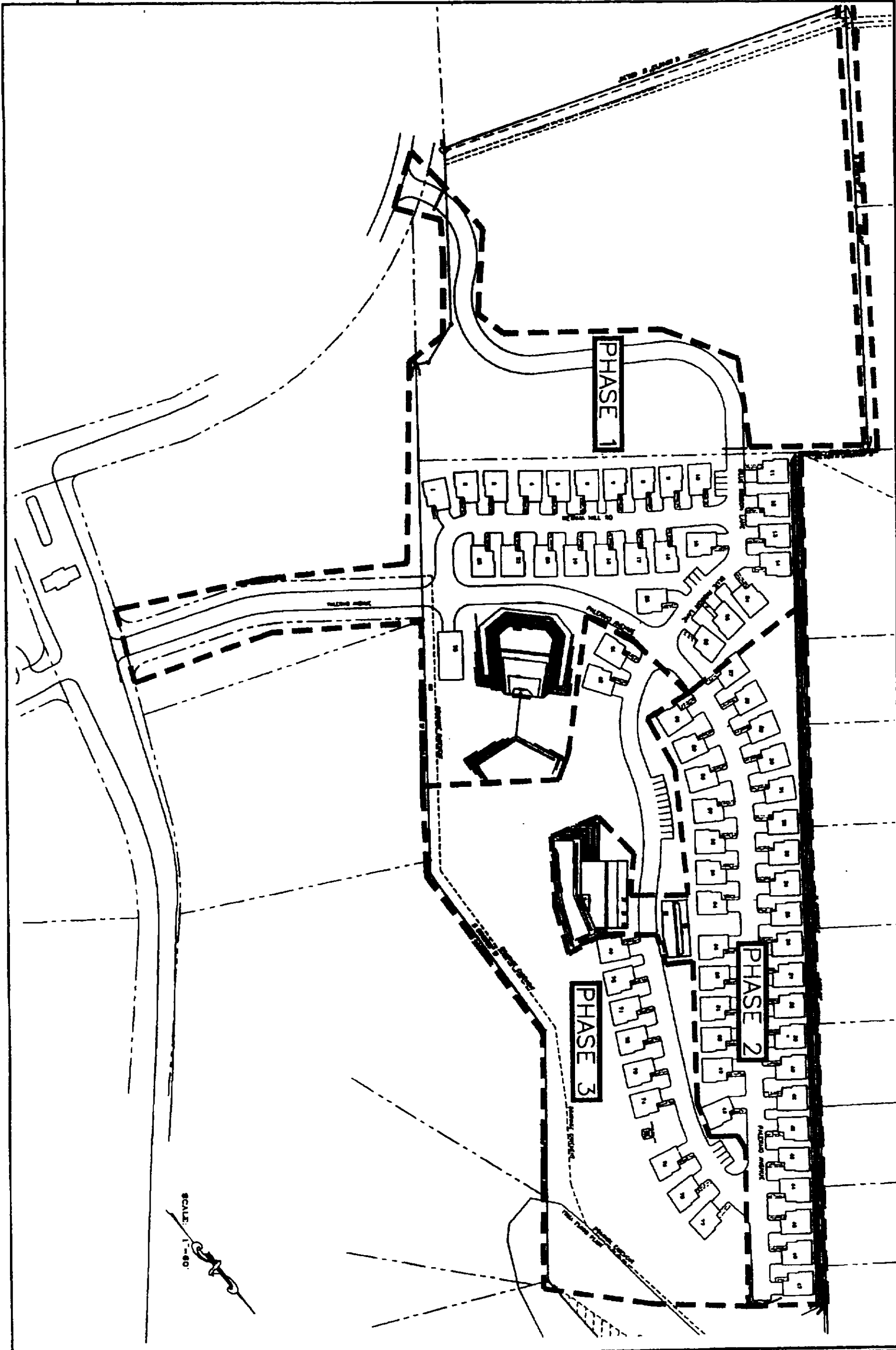
TRAVIS COUNTY, TEXAS

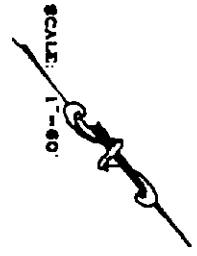

By: _____
Printed Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledge before me on the ____ day of _____, 2008 by _____ of Travis County, Texas, a political subdivision of t he State of Texas, on behalf of said County.

Notary Public Signature



 SCALE: 1" = 60'	JOB NAME THE VILLAS OF LARECLIFF 25004 HIRSH PLAT ROAD		SHEET EXHIBIT "B"			 Collins, Edgeman & Downing, Inc. Civil Engineers & Drafters All the Villages • Omaha, NE 402-491-1100 • www.collinsedgemandowning.com
	PROJECT SITE DEVELOPMENT PLAN		DESIGNED BY JYE	DRAWN BY NH	DATE NOVEMBER 2007	

24

Travis County Commissioners Court Agenda Request

Voting Session 8/05/08
(Date)

Work Session _____
(Date)

I. A. Request made by: Joseph P. Gieselman Phone # 854-9383
Executive Manager, TNR

B. Requested Text: **Consider and take appropriate action on the approval of acceptance of dedication of street and drainage facilities for Anderson Mill West Sections 19, Anderson Mill West Sec. 19, Resub. of Lots 1-25, Block H, Lots 1, 19-22, Block I and Lots 1-11 and 26, Block K and a License Agreement with Volente Hills at Park Forest Owners Association, Inc., in Precinct 3.**

C. Approved by: _____
Commissioner Gerald Daugherty, Precinct Three

II. A. Is backup material attached*: Yes X No _____

*Any backup material to be presented to the court must be submitted with this Agenda Request (original and 8 copies).

B. Have the agencies affected by this request been invited to attend the Work Session?

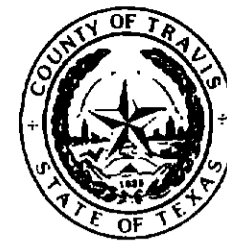
Yes X No _____ Please list those contacted and their phone numbers:

- | | |
|---------------------------|----------------------------|
| Donald W. Ward - 854-9383 | Anna Bowlin - 854-9383 |
| David Greear - 854-9383 | Howard Herrin - 854-9383 |
| Scott Lambert - 854-9383 | Patricia Moreno - 266-3314 |

III. Required Authorizations: Please check if applicable:

- _____ Planning and Budget Office (854-9106)
- _____ Additional funding for any department or for any purpose
- _____ Transfer of existing funds within or between any line item budget
- _____ Grant
- _____ Human Resources Department (854-9165)
- _____ A change in your department's personnel (reclassifications, etc.)
- _____ Purchasing Office (854-9700)
- _____ Bid, Purchase Contract, Request for Proposal, Procurement
- _____ County Attorney's Office (854-9415)
- _____ Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 PM on Tuesday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9854-4649

MEMORANDUM

DATE: July 25, 2008

TO: Members of the Commissioners' Court

THROUGH: Joseph P. Gieselman, TNR Executive Manager

FROM: Donald W. Ward, P.E., Division Director, Road Maintenance, Bridge and Fleet

SUBJECT: Acceptance of dedication of Anderson Mill West Sec. 19, Anderson Mill West Sec. 19, Resub. of Lots 1-25, Block H, Lots 1, 19-22, Block I and Lots 1-11 and 26, Block K and License Agreement with Volente Hills at Park Forest Owners Association, Inc.

Summary and TNR Staff Recommendation:

These subdivisions were recorded in October 2000 and November 2001. These subdivisions have been inspected for conformance with approved plans and specifications as listed. There are no items on the punch list to be corrected. The stop signs have been approved under Chapter 251 of the Texas Transportation Code. The developer has a Letter of Credit posted with the City of Austin, that will be released. The sidewalks have received a post construction variance along Briona Drive and Cashell Wood Drive. The developer has corrected sight distance problems and handicap ramp problems. The subdivisions connect to FM 2769 a road maintained by the State. This action will add 1.25 miles to the Travis County road system. TNR staff recommends approval of the proposed motion.

Issues and Opportunities:

There are no budgetary impacts. All fiscal posted will be released, except for any un-constructed residential sidewalks.

Required Authorizations:

None

Exhibits:

- List of streets
- Construction Approval Requirements
- ADA letter
- Attached maps

July 25, 2008

Page 2

B. Summary and Staff Recommendation: License Agreement with the Volente Hills at Park Forest Owners Association, Inc.

The applicant requests to enter into a license agreement, which will cover improvements in the right-of-way of all of the streets within Anderson Mill West Section 19. The covered improvements do not reduce sight distance conditions or place unacceptable hazards in the clear recovery zone. TNR staff recommends approval of the proposed motion.

Budgetary and Fiscal Impacts:

A check in the amount of \$5,000.00 has been submitted as security for the licensed property that is described in the attached License Agreement.

Issues and Opportunities:

In regards to the proposed License Agreement, "...the ASSOCIATION agrees to and shall indemnify, defend and hold harmless the COUNTY and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury, death, or damage to any person or property, which arises from or is in any manner connected to or caused in whole or in part by the ASSOCIATION's construction, maintenance or use of the Licensed Property." The Steiner Ranch Master Association, Inc. (the "ASSOCIATION") has provided insurance that adds Travis County as an additional insured for the improvements as described in the attached Agreement. We do not foresee any opposition to this action.

Required Authorizations:

The License Agreement is the approved form included in the Appendix of our Standards book – Exhibit 82.701A.

Exhibits:

License Agreement & Exhibit

DV:DWW:dv

1105 Anderson Mill West Sec 19

1102 Anderson Mill West Sec 19 License Agreement

ACCEPTANCE OF DEDICATION OF STREETS AND DRAINAGE

SUBDIVISION
Mapsco No. 433A

Anderson Mill West Section 19 and Resub. of
 Lots 1-25, Block H, Lots 1, 19-22, Block I and
 and Lots 1-11 and 26, Block K

Pct.# 3
 Atlas No. O-06



RECORDED AT DOC#200000334 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY 10/24/00
 AND AT DOC#200100346 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY 11/16/01

SUBDIVISION CONTAINS 5 STREETS AS LISTED BELOW:

#	STREET NAME	FROM - TO	L.F.	MILES	ROW	TYPE OF WIDTH OF CURB &		
						PVMNT	PVMNT	GUTTER
1	Cashell Wood Drive	Anderson Mill Road to end of cul-de-sac	1903	0.36	60-50'	HMAC	40-30' F-F	Yes
2	Cashell Wood Cove	Cashell Wood Drive to end of cul-de-sac	276	0.05	50'	HMAC	30' F-F	Yes
3	Wanakah Ridge Drive	Cashell Wood Drive to Briona Wood Lane	610	0.12	50'	HMAC	30' F-F	Yes
4	Wanakah Ridge Cove	Wanakah Ridge Drive to end of cul-de-sac	147	0.03	50'	HMAC	30' F-F	Yes
5	Briona Wood Lane	Cashell Wood Drive to Vestavia Ridge Lane	1046	0.20	50'	HMAC	30' F-F	Yes
6	Vestavia Ridge Lane	Dies Ranch Road to end of cul-de-sac	1264	0.24	50'	HMAC	30' F-F	Yes
7	Old Mill Cove	Anderson Mill Road to Dies Ranch Road	71	0.01	50'	HMAC	30' F-F	Yes
8	Anderson Mill Road	NE cor of Anderson Mill West Sec 19 to Cedar Park City Limits	1721	0.33	60'	HMAC	27-39' F-F	No
9								
10								
11								
12								
			6615					

THE TOTAL NUMBER OF LOTS IN THIS SUBDIVISION - 127

N/A ADDITIONAL LOTS SOLD FOR DEVELOPMENT

CONSTRUCTION OF STREETS AND DRAINAGE EXCEEDS MINIMUM COUNTY STANDARD FOR STREETS NUMBERED 1-4

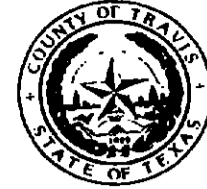
IT IS RECOMMENDED THAT MAINTENANCE OF STREETS NUMBERED 1-4 TOTAL 1.25 MILES BE ACCEPTED BY THE TRAVIS COUNTY COMMISSIONERS' COURT IN PRECINCT 3.

5-Aug-08
 DATE

- DP = DOUBLE PENETRATION
- HMAC = HOT MIX ASPHALT
- C = CONCRETE
- UPP = UNPAVED, PIT RUN
- UPS = UNPAVED, SELECT

Donald W. Ward, P. E.
 Division Director, Road, Bridge, and Fleet
 TRANSPORTATION AND ENGINEERING SERVICES

APPROVED BY COMMISSIONERS' COURT DATE



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4649

APPROVAL OF CONSTRUCTION

DATE: October 11, 2007

TO: Developer
DRHI, Inc.
C/o Blake McGee
1011 North Lamar
Austin, TX 78703


Engineer
Gray-Jansing & Associates
Donald K. Bayes
8217 Shoal Creek #200
Austin, TX 78757

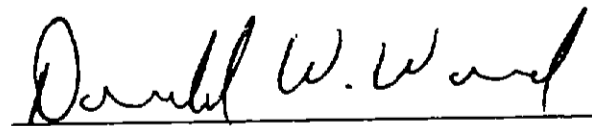
SUBJECT: Anderson Mill West Sec. 19 and Anderson Mill West Sec. 19, Resub. of Lots 1-25 Block H, Lots 1, 19-22 Block I and Lots 1-11 and 26 Block K

Effective this date, street and drainage construction within this project appears to be in conformance with the Permitted Construction Documents.

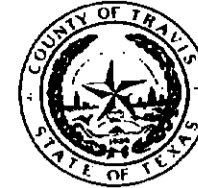
The Developer is required to maintain Performance Period fiscal for all streets, drainage, and sidewalk construction, until the subdivision is finally accepted for maintenance by Travis County and/or all of the sidewalks are constructed to Travis County Standards. Sidewalk fiscal will be released as the sidewalks are deemed complete.

BY: 
TNR Construction Inspector - Dennis Case


TNR Engineering Specialist - Darla Vasterling


TNR Division Director, Road & Bridge - Don Ward

1102 Fiscal File
1105 Subdivision File



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4649

Anderson Mill West Section 19
REQUIREMENTS FOR APPROVAL OF CONSTRUCTION
PUBLIC STREET SUBDIVISIONS PER STANDARDS FOR CONSTRUCTION OF STREETS AND
DRAINAGE IN SUBDIVISIONS - AUGUST 28, 1997

- 9-24-01 1. Professional Engineer's certification of quantities of work completed (Engineer's Concurrence Letter) § 82.401(c)(1)(A) § 82.604(c)(2)
ok 2. Construction Summary Report. § 82.604(c)(1)
4-09-02 3. Contractor's (signed) invoice or receipt of payment for work completed. §82.401(a)(1)(B)
9-24-01 4. Reproducible Plans, certified as "Record Drawings", by the Owner's Consulting Engineer
5-17-02 [\$ 82.604(c)(3)] including a Signage and Striping Plan [§82.303] and accompanying Stop Sign Warrants and Speed Zone Investigation sheets for each sign.
Reduce 5. Performance Period Fiscal for 10% of the actual construction cost of street and drainage bond
bond construction plus fiscal for residential sidewalks, if applicable. If bond, it must be in a form acceptable to Travis County and dated near the time of the TNR inspection report. Must be posted by owner/developer. § 82.604(c)(4)
NA 6. If applicable, a copy of the Conditional Letter of Map Amendment or Revision from FEMA and the completed application for a Letter of Map Amendment or Revision § 82.604(c)(5)
10/5/07 7. A letter from Texas Board of Licensing and Regulation approving subdivision construction (when sidewalks are required per plat and when the total construction costs of sidewalks exceed \$50,000.00 or when a variance is required). Plan approval required at time of Approval of Construction. Substantial compliance (inspection) required at time of street acceptance for maintenance. § 82.202(q)(2)
4-09-02
4-01-05 Post construction variance.
11-1-01 8. A TNR inspection report, indicating the completion of that portion of the work represented by the reduction of fiscal (streets and drainage, including detention ponds and common area sidewalks and traffic control devices shown on the approved traffic control plan) § 82.401(c)(1)(C) Road Maintenance will have to approve const. before recommending acceptance to Commissioners Court.
4-9-02 9. Approval of other agencies - cities, if in their ETJ; Municipal or other Utility Districts.
7-18-08 10. License Agreement.



ADA Assistance

107 Meadow Woods, Kyle TX 78640 (512) 787-3687 Fax (512) 268-5964
Email: robert@adaassistance.com Internet: www.adaassistance.com

DATE: October 2, 2007

TO: Thomas Anker
D.R. Horton
12554 Riata Vista Cir
Austin TX 78727
tjanker@drhorton.com

FROM: Robert Ronson, RAS

PROJECT: Anderson Mill West Section 19
Cashell Wood to Briona Wood
Austin TX

Response letter dated: 10/1/07

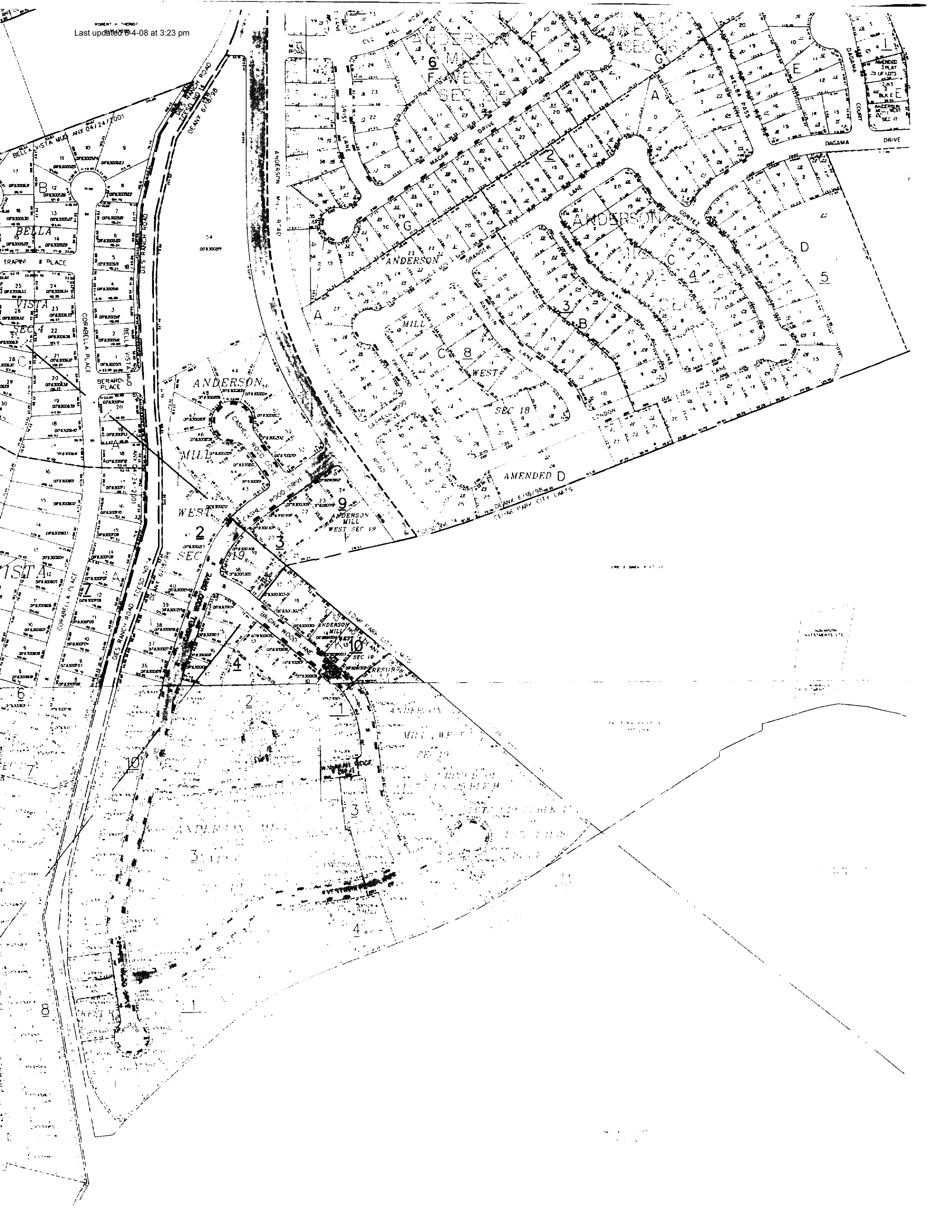
SUBJECT: CORRECTIVE MODIFICATIONS – NO VIOLATIONS

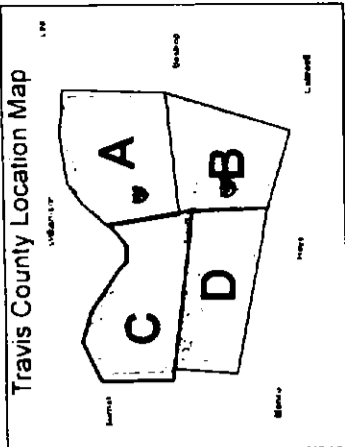
Your submittal regarding the referenced submittal has been reviewed. We are pleased to inform you that all items cited in the inspection report now appear to be in substantial compliance with requirements of the Texas Government Code, Chapter 469.

Required curb ramps were installed.

Please note, this determination does not address the requirements of the Americans with Disabilities Act (ADA), (P.L. 101-336), or any other state or federal requirements. For information on the ADA, contact the United States Department of Justice, Civil Rights Division at (202)514-0301.

NOTE: The review of documents as contract documents and field inspections by this accessibility specialist for the Texas Department of Licensing and Regulation (TDLR) is based on a best efforts endeavor following instruction and certification by TDLR. Plan review and inspection in no way warrants complete compliance with the Texas Accessibility Standards. The business, the professional, his employees, engineers, and client for whom the review or inspection is made agrees to hold harmless and indemnify this accessibility specialist from and against any liability arising from performance of the work.





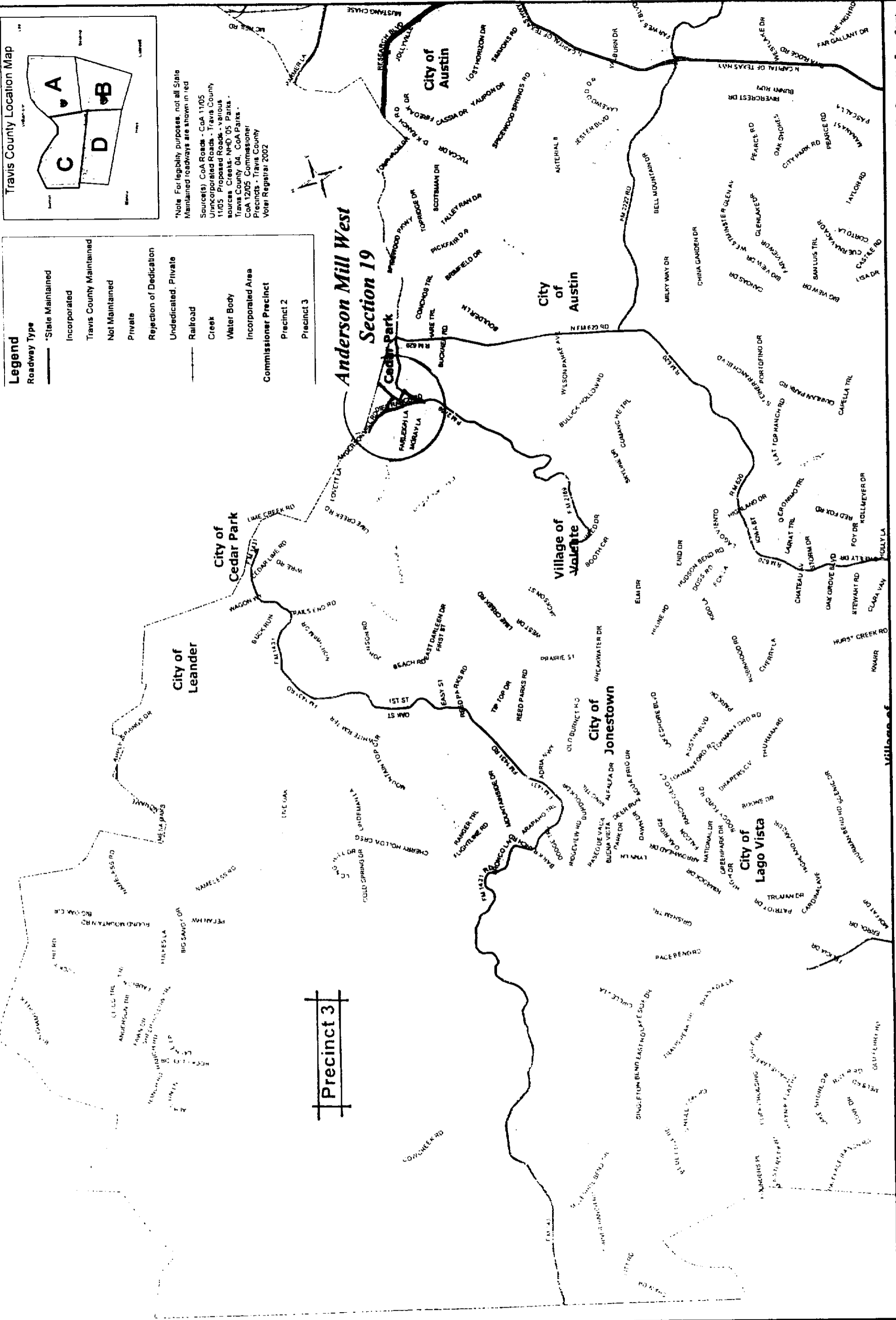
*Note: For legibility purposes, not all State Maintained roadways are shown in red.

Sources: CoA Roads - CoA 11705
 Unincorporated Roads - Travis County 11705
 Proposed Roads - various sources
 Creeks - NHD '05 Parks - Travis County 04, CoA Parks - CoA 1205
 Commissioner Precincts - Travis County Voter Registrar 2002

Legend

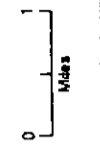
	State Maintained
	Incorporated
	Travis County Maintained
	Not Maintained
	Private
	Rejection of Dedication
	Undedicated, Private
	Railroad
	Creek
	Water Body
	Incorporated Area
	Commissioner Precinct
	Precinct 2
	Precinct 3

**Anderson Mill West
Section 19**



Precinct 3

Map Prepared by Travis County, Dept. of Transportation & Natural Resources
 Date: 01/04/2006
 http://www.co.travis.tx.us/maps



Travis County Roadways, Map C

Text Scale:
 1 inch equals 1002 miles
 1 inch equals 5.294 feet

Map Disclaimer: This map was created for the Travis County Sign Crew for identifying Travis County's maintained roadways. The data is provided as is with no warranties of any kind. For questions, contact the Travis County GIS Coordinator at 512-854-3385

§ EXHIBIT 82.701(A)

LICENSE AGREEMENT

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

This Agreement is made and entered into by and between Travis County, Texas, (the "COUNTY") and the Volente Hills at Park Forest Owners Association (the "ASSOCIATION"), hereinafter collectively referred to as the "Parties", for the purposes and consideration described herein.

WITNESSETH:

WHEREAS, the COUNTY has accepted the dedication of the roads in Anderson Mill West Sec. 19 and Anderson Mill West Sec. 19, Resub. of Lots 1-25 Block H, Lots 1, 19-22 Block I and Lots 1-11 and 26 Block K, a subdivision and a resubdivision, located in Travis County, being more particularly described in that certain plat recorded at Doc#200000334 and 200100346, of the Official Public Records of Travis County, Texas (the "Subdivision"); and

WHEREAS, the ASSOCIATION plans to install, pay expenses, and maintain certain landscaping and improvements in portions of the right-of-ways of all of the streets in the Subdivision and as shown on Exhibit "B"; and

WHEREAS, the landscaping and improvements include, but are not limited to, an irrigation system, lighting, entry columns, retaining walls, trees and shrubs (the "Improvements") within portions of the right-of-ways of the Subdivision roads, which are not intended or used for vehicular traffic; and

WHEREAS, the area of the right-of-way within which the Improvements are to be installed and/or maintained (the "Licensed Property") is described in the Exhibit "A", which is attached hereto and incorporated herein for all purposes;

NOW, THEREFORE, the COUNTY and the ASSOCIATION agree as follows:

I. Grant

Subject to the conditions in this Agreement and to the extent of the right, title and interest of the COUNTY in and to the Licensed Property and without any express or implied warranties, the COUNTY grants to the ASSOCIATION permission to use the Licensed Property to construct, maintain and repair the Improvements existing in the Licensed Property as of the date of this Agreement.

II. Consideration

The COUNTY and the ASSOCIATION each acknowledge the receipt and sufficiency of good and valuable consideration for the execution of this Agreement, including but not limited to the following:

1. The beautification to be afforded to the community by the Improvements; and
2. The agreement by the ASSOCIATION to provide the below-specified insurance and indemnification in favor of the COUNTY.

III. County's Rights to Licensed Property

A. This Agreement is expressly subject and subordinate to the present and future right of the COUNTY, its successors, assigns, lessees, grantees, and licensees, to construct, install, establish, maintain, use, operate, and renew any public utility facilities, franchised public facilities, roadways or streets on, beneath or above the surface of the Licensed Property. The COUNTY shall take reasonable measures to prevent damage to any Improvements on the Licensed Property, however, any damage to or destruction of the ASSOCIATION's property by the COUNTY in the exercise of the above-described rights shall be at no charge, cost, claim or liability to the COUNTY, its agents, contractors, officers or employees. Nothing in this Agreement shall be construed to limit in any way the power of the COUNTY to widen, alter or improve the Licensed Property pursuant to official action by the governing body of the COUNTY or its successors; provided, however, that the COUNTY shall provide the ASSOCIATION with at least thirty (30) days prior written notice of any such contemplated action.

B. NOTWITHSTANDING ANY PROVISIONS IN THIS AGREEMENT TO THE CONTRARY, THE COUNTY RETAINS THE RIGHT TO ENTER UPON THE LICENSED PROPERTY, AT ANY TIME AND WITHOUT NOTICE, ASSUMING NO OBLIGATION TO THE ASSOCIATION, TO REMOVE ANY OF THE IMPROVEMENTS OR ALTERATIONS THEREOF, WHENEVER SUCH REMOVAL IS DEEMED NECESSARY FOR: (A) EXERCISING THE COUNTY'S RIGHTS OR DUTIES WITH RESPECT TO THE LICENSED PROPERTY; (B) PROTECTING PERSONS OR PROPERTY; OR (C) THE PUBLIC HEALTH OR SAFETY WITH RESPECT TO THE LICENSED PROPERTY.

IV. Insurance

A. The ASSOCIATION shall, at its sole expense, provide extended public liability insurance coverage, written by a company acceptable to the County, licensed to do business in Texas, in the amounts of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) per occurrence and ONE MILLION DOLLARS (\$1,000,000.00) in the aggregate for property damage and personal injury and death, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the COUNTY OF TRAVIS as co-insured or as an additional insured. This insurance coverage shall cover all perils

arising out or connected in any way to the activities of the ASSOCIATION, its officers, employees, agents or contractors, relative to this Agreement. The ASSOCIATION shall be responsible for any deductibles stated in the policy. A true copy of each instrument affecting such additional coverage shall be delivered to the COUNTY'S Executive Manager of Transportation & Natural Resources Department within twenty-one (21) days of the effective date of this Agreement.

B. The ASSOCIATION shall not cause any insurance to be canceled nor permit any insurance to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until thirty (30) days after the COUNTY has received written notice as evidenced by a return receipt of registered or certified mail.

V. Indemnification

To the extent permitted by Texas law, the ASSOCIATION agrees to and shall indemnify, defend and hold harmless the COUNTY and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury, death, or damage to any person or property, which arises from or is in any manner connected to or caused in whole or in part by the ASSOCIATION's construction, maintenance or use of the Licensed Property. This indemnification provision, however, shall not apply to any claims, suits, damages, costs, losses or expenses (i) for which the COUNTY shall have been compensated by insurance provided under Paragraph IV, above, or (ii) arising solely from the negligent or willful acts of the COUNTY, provided that for the purposes of the foregoing, the COUNTY'S act of entering into this Agreement shall not be deemed to be a "negligent or willful act".

VI. Conditions

A. Compliance with Regulations. The ASSOCIATION agrees that all construction, maintenance and repair permitted by this Agreement shall be done in compliance with all applicable City, County, State and/or Federal policies, traffic, building, health and safety ordinances, laws and regulations.

B. ASSOCIATION's Responsibilities. The ASSOCIATION will be responsible for any damage to or relocation of existing facilities required by the construction of the improvements. Further, the ASSOCIATION shall reimburse the COUNTY for all reasonable costs incurred by the COUNTY in replacing or repairing any property of the COUNTY or of others which was damaged or destroyed as a result of activities under this Agreement by or on behalf of the ASSOCIATION.

C. Maintenance. The ASSOCIATION shall maintain the Licensed Property by keeping the area free of debris and litter. The removal of dead, or dying, plants shall also be handled by the ASSOCIATION at its expense.

D. Removal or Modification. The ASSOCIATION agrees that removal or modification of any improvements now existing or to be later replaced shall be at the ASSOCIATION's sole discretion, except where otherwise provided by this Agreement.

This Agreement, until its expiration or revocation, shall run as a covenant on the land on the above-described real property, and the terms and conditions of this Agreement shall be binding on any successors and assigns in interest to the ASSOCIATION or the COUNTY. A written memorandum of this agreement shall be filed in the Real Property Records of Travis County, Texas.

E. Security Deposit. The ASSOCIATION shall provide the COUNTY with cash in a cashier's check in the amount of FIVE THOUSAND AND NO/100 DOLLARS (\$ 5,000.00). Cash provided to the COUNTY will be deposited with the County Treasurer and interest, on the amount, will be paid to the ASSOCIATION, on an annual basis upon the receipt by the Treasurer of a letter requesting such interest. The only condition to a draft on the cash security shall be a letter from the Travis County Judge indicating that the ASSOCIATION has not fulfilled its obligations under this Agreement and that the COUNTY has incurred or will incur expenses with regard to the Improvements located on, upon or in the Licensed Property.

F. Default. In the event that the ASSOCIATION fails to maintain the Licensed Property, then the COUNTY shall give the ASSOCIATION written notice thereof by registered or certified mail, return receipt requested, to the addresses set forth below. The ASSOCIATION shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of and, if the ASSOCIATION does not satisfactorily remedy the same within the thirty (30) day period, the COUNTY may, at the COUNTY'S option, perform the work or contract for the completion of the work. In addition, the ASSOCIATION agrees to pay, within thirty (30) days of written demand by the COUNTY, all reasonable costs and expenses incurred by the COUNTY in completing the work.

VII. Commencement; Termination by Abandonment

This Agreement shall begin on the date of full execution and continue thereafter for so long as the Licensed Property shall be used for the purposes set forth herein, unless terminated under other provisions of this Agreement. If the ASSOCIATION abandons the use of all or any part of the Licensed Property for such purposes set forth in this Agreement, then this Agreement, as to such portion or portions abandoned, shall expire and terminate following thirty (30) days written notice by the COUNTY to the ASSOCIATION, if such abandonment has not been remedied by the ASSOCIATION within such period. The COUNTY shall thereafter have the same title to the Licensed Property so abandoned as though this Agreement had never been made and shall have the right to enter on the Licensed Property and terminate the rights of the ASSOCIATION, its successors and assigns hereunder. All installations of the ASSOCIATION not removed shall be deemed property of the COUNTY as of the time abandoned.

VIII. Termination

A. Termination by the ASSOCIATION. This Agreement may be terminated by the ASSOCIATION by delivering written notice of termination to the COUNTY not later than thirty (30) days before the effective date of termination. If the ASSOCIATION so terminates, then it may remove installations that it made from the Licensed Property

within the thirty (30) day notice period. Any installations not removed within said period are agreed to be the property of the COUNTY.

B. Termination by County. This Agreement may be revoked at any time by the COUNTY, if such revocation is reasonably required by the public interest, after providing at least thirty (30) days prior written notice to the ASSOCIATION. Subject to prior written notification to the ASSOCIATION or its successors in interest, this Agreement is revocable by the COUNTY if:

1. The Improvements, or a portion of them, interfere with the COUNTY'S use of the Licensed Property;
2. Use of the Licensed Property becomes necessary for a public purpose;
3. The Improvements, or a portion of them, constitute a danger to the public, which the COUNTY deems not to be remediable by alteration or maintenance of such Improvements;
4. Despite thirty (30) days written notice to the ASSOCIATION, maintenance or alteration necessary to alleviate a danger to the public has not been made; or
5. The ASSOCIATION fails to comply with the terms and conditions of this Agreement, including, but not limited to, the insurance requirements specified herein.

If the ASSOCIATION abandons or fails to maintain the Licensed Property, and the COUNTY receives no substantive response within thirty (30) days following written notification to the ASSOCIATION, then this Agreement shall terminate and the COUNTY may remove and/or replace all Improvements or a portion thereof and collect from ASSOCIATION the COUNTY'S actual expenses incurred in connection therewith.

IX. Eminent Domain

If eminent domain is exerted on the Licensed Property by paramount authority, then the COUNTY will, to the extent permitted by law, cooperate with the ASSOCIATION to effect the relocation of the ASSOCIATION'S affected installations at the ASSOCIATION'S sole expense. The ASSOCIATION shall be entitled to retain all monies paid by the condemning authority for its installations taken, if any.

X. Interpretation

In the event of any dispute over its meaning or application, this Agreement shall be interpreted fairly and reasonably and neither more strongly for or against either party.

XI. Application of Law

This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the Parties as evidenced by this Agreement.

XII. Venue

TO THE EXTENT ALLOWED BY TEXAS LAW, IT IS AGREED THAT VENUE FOR ALL LAWSUITS CONCERNING THIS AGREEMENT WILL BE IN TRAVIS COUNTY, TEXAS. THIS AGREEMENT CONCERNS REAL PROPERTY LOCATED IN TRAVIS COUNTY, TEXAS, AND IS WHOLLY PERFORMABLE IN TRAVIS COUNTY.

XIII. Covenant Running with Land

This License Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns.

XIV. Assignment

The ASSOCIATION shall not assign, sublet or transfer its interest in this Agreement without the written consent of the COUNTY. If such consent is granted, it shall then be the duty of the ASSOCIATION, its successors and assigns, to give prompt written notice to the COUNTY of any assignment or transfer of any of the ASSOCIATION's rights in this Agreement, giving name, date, address and contact person.

XV. Notice

Any notice and/or statement, required or permitted hereunder, shall be deemed to be given and delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such other addresses specified by written notice delivered in accordance herewith:

ASSOCIATION:

~~Theresa Thomas Auld~~ DANIELLE STURM.
12554 Riata Vista, Second Floor
Austin, TX 78727
345-6080

COUNTY:

Honorable Samuel F. Biscoe (or successor)
Travis County Judge
P.O. Box 1748
Austin, Texas 78767

COPY TO:

Joseph Gieselman, Executive Manager (or successor)
Travis County Transportation and Natural Resources Dept.
P.O. Box 1748
Austin, Texas 78767

COPY TO:

Honorable David A. Escamilla (or successor)
Travis County Attorney
P.O. Box 1748
Austin, Texas 78767
Attn: File No. 83.

XVI. Annexation by the City

A. If the total area within the Licensed Property is annexed for full purposes by the City of Austin or other incorporated municipality (the "CITY"), then all references in this Agreement to "the COUNTY" shall be construed to mean "the CITY"; all references to "the Executive Manager of the COUNTY Transportation and Natural Resources Department" shall be construed to mean "the Director of the CITY Department of Public Works & Transportation"; all references to "the Commissioners Court" shall be construed to mean "the CITY Council". Any other references to COUNTY employees shall be construed to mean the analogous CITY employee or officer.

EXECUTED AS OF THE DATES SET FORTH BELOW:

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe, County Judge

Date: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2008, by Samuel T. Biscoe, County Judge of Travis County, Texas, a duly organized County and political subdivision of the State of Texas, on behalf of said County.

Notary Public in and for the State of Texas

Printed Typed Name

My commission expires

TERMS AND CONDITIONS ACCEPTED, this the __ day of _____, 2008.

THE ASSOCIATION:

Volente Hills at Park Forest Owners Association, Inc.

By: Lisa Foster
Signature

Name: Lisa Foster
Printed Name

Title: President HOA
Authorized Representative

ACKNOWLEDGEMENT

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

This instrument was acknowledged before me on this the 19th day of March 2008, by Lisa Foster as President of the Volente Hills HOA, a Texas corporation, on behalf of said corporation.

Becky Statkos
Notary Public in and for the State of Texas

Becky Statkos
Printed Typed Name



ADDRESS OF ASSOCIATION:

ASSOCIATION'S MANAGEMENT CO.

Volente Hills at Park Forest Owners
Association, Inc.
12554 Riata Vista, Second Floor
Austin, Texas 78727
512-345-6080
phone

~~Goodyin Management, Inc.~~
~~11149 Research, Suite 1001~~
~~Austin, TX 78759~~
Attn:
phone

PLANNED COMMUNITY Management
174 WELLS Branch Rkwy.
AUSTIN, TEXAS 78728
SABINA WASHBURN

<p>ACORD CERTIFICATE OF LIABILITY INSURANCE</p>	OP ID# NC VOL#EN-2	DATE (MM/DD/YYYY) 05/22/08
PRODUCER William Gammon Insurance 1615 Guadalupe Austin TX 78701 Phone: 512-477-6745	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Volente Hills @ Park Forest OA Planned Community Mngmt Inc. 1779 Wells Branch Parkway Austin TX 78728	INSURERS AFFORDING COVERAGE	NAIC #
	INSURER A Philadelphia Indemnity Ins Co	
	INSURER B	
	INSURER C	
	INSURER D	
	INSURER E	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER POLICY	PHPK225241	05/13/08	05/13/09	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$ 100,000 MED. EXP. (Any one person) \$ 5,000 PERSONAL & ADV. INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTO <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA ACCIDENT) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY (EA ACCIDENT) \$ OTHER THAN AUTO ONLY (EA ACC) \$ AGG \$
		EXCESS UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? Types described under SPECIAL PROVISIONS below				WA STATE (POLICY LIMIT) OTHER \$ 1.1 EACH ACCIDENT \$ 1.1 DISEASE (EA EMPLOYEE) \$ 1.1 DISEASE (POLICY LIMIT) \$
		OTHER				
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS Certificate Holder is named as additional insured as required by written contract.						

<p>CERTIFICATE HOLDER</p> <p style="text-align: center; font-weight: bold;">TRVCNT</p> <p>Travis County Transportation & Natural Resources Department P O Box 1748 Austin TX 78767</p>	<p>CANCELLATION</p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.</p> <p>AUTHORIZED REPRESENTATIVE </p>
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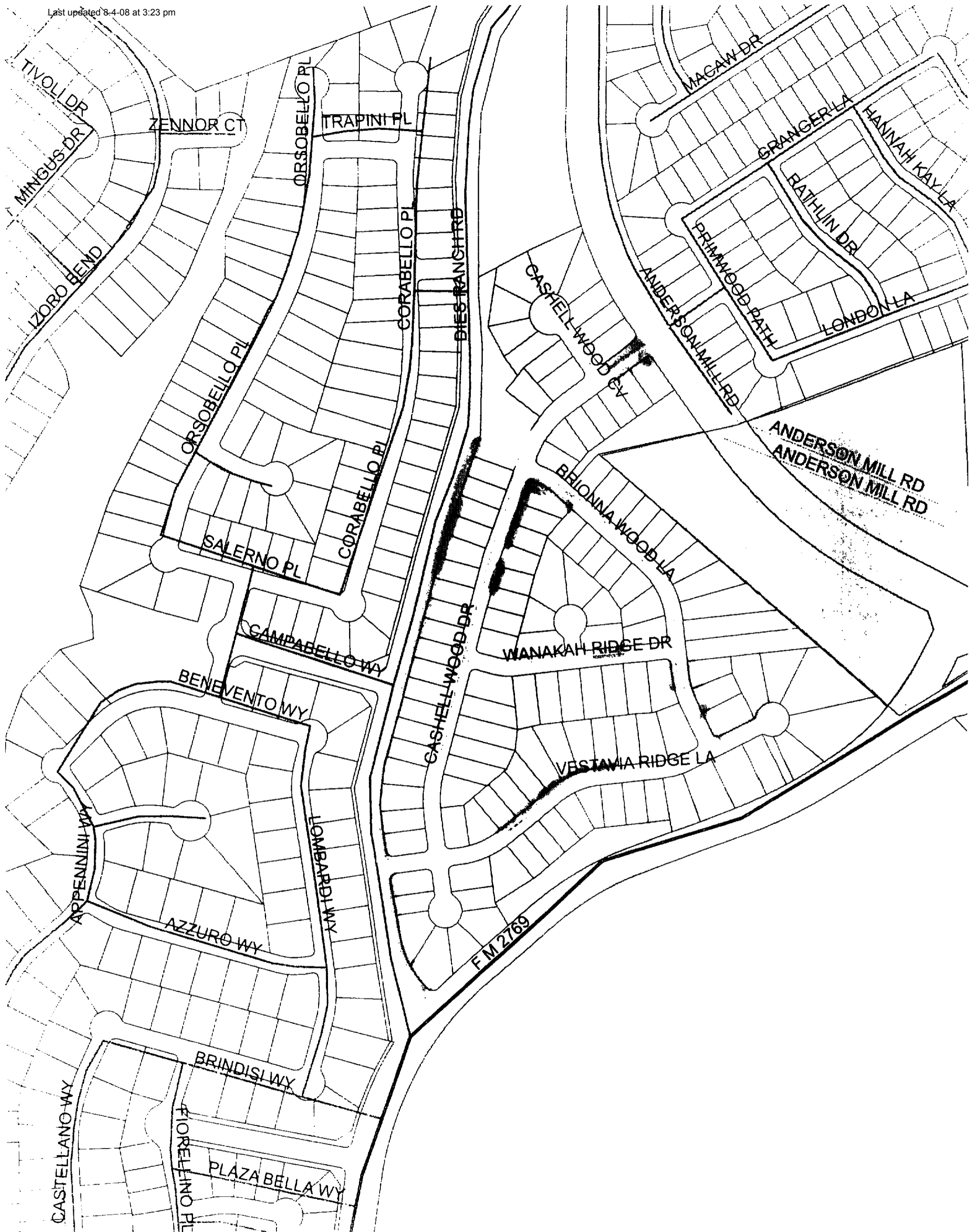
IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.









Anderson Mill West Sec.19: Walls in Right-of Way

2518>2506 & 2404 Vestavia Ridge:
Encroachment into ROW=approximately 3-4'



3006>3002 & 2904 Brionna Wood: Typical wall.



25

Travis County Commissioners Court Agenda Request

Voting Session 8/5/08 Work Session _____
(Date) (Date)

I. A. Request made by: Joseph P. Gieselman Phone # 854-9383
Executive Manager, TNR

B. Requested Text:

- A. Approve the acceptance of dedication of street and drainage facilities in Cypress Canyon, Sections 4 and 5 - two subdivisions in Precinct Three; and
- B. Consider and take appropriate action on a proposed License Agreement with the Homeowner's Association for Deer Creek Ranch, Inc. for improvements in public right of way - Precinct 3.

C. Approved by: _____
Commissioner Gerald Daugherty, Precinct Three

II. A. Is backup material attached*? Yes X No _____
*Any backup material to be presented to the court must be submitted with this Agenda Request (original and 8 copies).

B. Have the agencies affected by this request been invited to attend the Work Session?

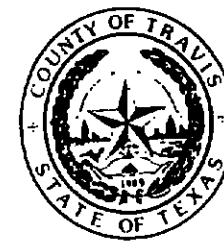
Yes X No _____ Please list those contacted and their phone numbers:

<u>Anna Bowlin</u> - 854-9383	Jamie Mancillas - 854-9383
Don Ward <u>DW</u> - 854-9383	Gayla Dembkowski - 854-9383
Howard Herrin - 854-9383	

III. Required Authorizations: Please check if applicable:

- Planning and Budget Office (473-9106)
- _____ Additional funding for any department or for any purpose
- _____ Transfer of existing funds within or between any line item budget
- _____ Grant
- Human Resources Department (473-9165)
- _____ A change in your department's personnel (reclassifications, etc.)
- Purchasing Office (473-9700)
- _____ Bid, Purchase Contract, Request for Proposal, Procurement
- County Attorney's Office (473-9415)
- _____ Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 PM on Tuesday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 473-9383
FAX (512) 708-4649

MEMORANDUM

DATE: July 21, 2008

TO: Members of the Commissioners' Court

THROUGH: Joseph P. Giesel^{man}, TNR Executive Manager

FROM: Don Ward, P.E. - Director of Road Maintenance & Fleet Services

SUBJECT: A. Approve the acceptance of dedication of street and drainage facilities in Cypress Canyon, Sections 4 and 5 - two subdivisions in Precinct 3; and
B. Consider and take appropriate action on a proposed License Agreement with the Homeowner's Association for Deer Creek Ranch, Inc. for improvements in public right of way - Precinct 3.

Summary and TNR Staff Recommendation

Part A

Cypress Canyon, Section 4 was recorded on June 8, 2006 at document #200600173. Cypress Canyon, Section 5 was recorded on October 15, 2007 at document #200700306. These subdivisions have been inspected for conformance with approved plans and specifications as listed. These subdivisions will be accepted under the regulations of the Standards for Construction of Streets and Drainage in Subdivisions approved by Commissioners Court August 28, 1997, in which the subdivision is accepted before the one-year Performance Period has ended.

The completed sidewalks within these subdivisions have been inspected by a Registered Accessibility Specialist and found to be in substantial compliance with the Texas Architectural Barriers Act. The stop signs are in the process of being approved under Chapter 251 of the Texas Transportation Code.

In regards to any un-constructed sidewalks within these two subdivisions, sidewalk fiscal will remain in place. This sidewalk fiscal will be released once the remaining un-constructed sidewalks are constructed and given a positive inspection from a Registered Accessibility Specialist (RAS).

Cypress Canyon, Section 4 is accessed from Zeppelin Drive, a street maintained by Travis County. Cypress Canyon, Section 5 is accessed from Rhondstat Run, a street being accepted for maintenance by Travis County as part of Section 4. The City of Cedar Park has approved Cypress Canyon, Sections 4 and 5. This action will add a total of 1.07 miles to the Travis County road system. TNR staff recommends approval of the proposed motion.

July 21, 2008

Page 2

Part B

The constituent requests to enter into a License Agreement (new "Agreement"), which covers improvements in the right-of-way of Rambler Valley Drive. The covered improvements do not reduce sight distance conditions or place unacceptable hazards in the clear recovery zone. TNR staff recommends approval of the proposed motion.

Budgetary and Fiscal Impacts:

Part A

Warranty Period and un-constructed residential sidewalk fiscal will remain in place.

Part B

A check in the amount of \$4,700.00 has been posted as a security deposit for the licensed property that is described in the attached License Agreement.

Issues and Opportunities:

In regards to the proposed License Agreement, "...the ASSOCIATION agrees to and shall indemnify, defend and hold harmless the COUNTY and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury, death, or damage to any person or property, which arises from or is in any manner connected to or caused in whole or in part by the ASSOCIATION's construction, maintenance or use of the Licensed Property." The Deer Creek Ranch Homeowner's Association has provided insurance that adds Travis County as an additional insured for the improvements as described in the attached new Agreement. The improvements will maintain the 7' clear zone in order to adequately address the safety of the traveling public.

Required Authorizations:

Road Maintenance Department.

Exhibits:

- TNR Approval Letter (2)
- RAS Inspection Approval (2)
- City of Cedar Park Acceptance (2)
- List of Streets
- Requirements for Approval (2)
- License Agreement
- Subdivision Location Maps (5)

PS:DW:ps

1105 Cypress Canyon, Sections 4 & 5



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
P.O. Box 1748
Austin, Texas 78767
tel 512-854-9383
fax 512-854-4649

APPROVAL OF CONSTRUCTION

DATE: July 18, 2008

DEVELOPER:

Standard-Pacific Homes
1011 North Lamar
Austin, TX 78703

ENGINEER:


Carlson, Brigrance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748


SUBJECT: Cypress Canyon, Section Four

Effective this date, street and drainage construction within this project appears to be in conformance with the approved Construction Documents. This construction has entered into a one (1) year Performance Period. Prior to the end of this Period, Travis County will inspect the streets and/or drainage construction to determine if the subdivision appears to be in a condition substantially equal to that at the beginning of the Performance Period. If not, the developer/owner shall take corrective actions, which are acceptable to the County.

The Developer is required to maintain Performance Period fiscal of 10% of the actual street and drainage cost, until the end of the Performance Period, plus 100% of the un-constructed residential sidewalks until all of the sidewalks are constructed and have a positive inspection by a Registered Accessibility Specialist.

All items have been received

BY: 
TNR Construction Inspector – Patricia Moreno


TNR Engineering Specialist – Paul Scoggins

1102 fiscal file
1105 Subdivision File



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

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APPROVAL OF CONSTRUCTION

DATE: July 18, 2008

DEVELOPER:

Standard-Pacific Homes
1011 North Lamar
Austin, TX 78703

ENGINEER:

Carlson, Brigance & Doering, Inc.
3401 Slaughter Lane West
Austin, TX 78748

SUBJECT: Cypress Canyon, Section Five

Effective this date, street and drainage construction within this project appears to be in conformance with the approved Construction Documents. This construction has entered into a one (1) year Performance Period. Prior to the end of this Period, Travis County will inspect the streets and/or drainage construction to determine if the subdivision appears to be in a condition substantially equal to that at the beginning of the Performance Period. If not, the developer/owner shall take corrective actions, which are acceptable to the County.

The Developer is required to maintain Performance Period fiscal of 10% of the actual street and drainage cost, until the end of the Performance Period, plus 100% of the un-constructed residential sidewalks until all of the sidewalks are constructed and have a positive inspection by a Registered Accessibility Specialist.

All items have been received

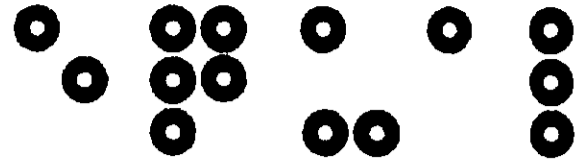
A handwritten signature in black ink that reads "Patricia M. Moreno".

TNR Construction Inspector – Patricia Moreno

A handwritten signature in black ink that reads "Paul Scoggins".

TNR Engineering Specialist – Paul Scoggins

1102 fiscal file
1105 Subdivision File



Re-Inspection Approved

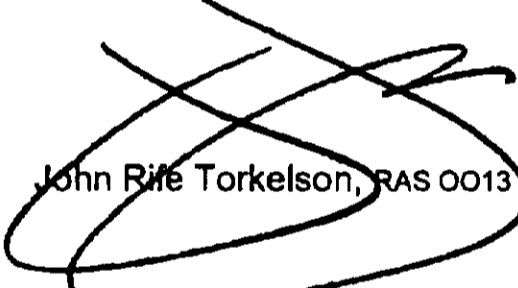
We are pleased to inform you that the referenced facility has been inspected and found to be in substantial compliance with provisions of the Texas Government Code, Chapter 469. Note: **The inspection is specific to the scope of work noted in the construction documents only.** Since there were no residential sidewalks completed at the time of the inspection, we have not included a review of any residential sidewalks and/or drive pads.

This facility is not subject to review under the current Administrative Rules as published by TDLR. Therefore, this review is advisory in nature only and does not constitute a review as required under the Texas Architectural Barriers Act.

Please note, this determination does not address the applicability of the Americans with Disabilities Act (ADA), (P.L. 101-336), or any other state, local or federal requirements. For information on the ADA, call the ADA Hotline, 800/ 949.4232 or the U.S. Department of Justice at 202/ 514.0301.

If you have any questions concerning the results of the inspection, or the requirements of the Architectural Barriers Act, or if you are not the owner of record of this facility, contact John Torkelson at 512/476.8675. Please reference the assigned project number in all future correspondence pertaining to this project.

Please call with any questions,


John Rife Torkelson, RAS 0013

08 May 2008

Project Number: A 07101

Project:

Cypress Canyon Subdivision- Section 4
Cedar Park, Texas 78613

To:

Danny Doering
Carlson, Brigance and Doering, Inc.
5501 W. William Cannon
Austin, Texas 78757

Plans Reviewed by:

John Torkelson

Project Scope

Review of subdivision for compliance with the Texas Accessibility Standards.

Distribution:

Bruce Dickson- Standard Pacific of Texas, Inc.
File

the **ACCESS** partnership, l.p.

1314 possum trot
austin texas 78703
512/476.8675 v
512/476.5646 f
800/987.8675

www.the-ACCESS-partnership.com

ENTASIS

DesignGroup

Accessibility Consultants

Ms. Leanna Einhaus
Blake Magee Company
1011 North Lamar Blvd.
Austin, Texas 78703-4991

May 7, 2008

Re: Cypress Canyon Subdivision - Section 5:
Cypress Canyon Section 5 - Street Improvements
Cedar Park, Travis County 78613

ENTASIS No.: 08.039

Project Re-inspected: 05-07-2008

CORRECTIVE MODIFICATIONS - NO VIOLATIONS


Dear Ms. Einhaus:

The referenced project has been re-inspected. We are pleased to inform you that all items cited in the inspection report now appear to be in substantial compliance with requirements of the Texas Government Code, Chapter 469.

Please note, this determination does not address the requirements of the Americans with Disabilities Act (ADA), (P.L. 101-336), or any other state, local, or federal requirement. For information on the ADA, call the United States Department of Justice, Civil Rights Division at (202) 514-0301.

If you have any questions concerning the results of the inspection, or the requirements of the Architectural Barriers Act, or if you are not the owner of record for the facility, contact David McQueen (RAS No. 41) at (512) 291-3246.

Sincerely,



David J. McQueen
TDLR Registered Accessibility Specialist No. 41

Enclosure(s)

xc: ENTASIS File: 08.039

The review of documents as contract documents and field inspections by this Registered Accessibility Specialist (RAS) with the Texas Department of Licensing and Regulation (TDLR), Austin, Texas is based on a best efforts endeavor following instruction and certification by TDLR. Plan review and inspection in no way warrants complete compliance with the Texas Accessibility Standards. The business, the professional, his employees, and client for whom the review or inspection is made agrees to hold harmless and indemnify this RAS and TDLR from and against any liability arising from performance of the work.



October 25, 2006

Mr. Danny Doering, P.E.
Carlson, Brigance and Doering, Inc.
5501 West William Cannon
Austin, Texas 78749
FAX (512)282-0170

Re: **Final Approval of Subdivision Improvements
Cypress Canyon Section 4
SI-05-012**

Dear Mr. Brigance:

The above referenced subdivision was constructed in general accordance with the construction plans, which were approved by the City of Cedar Park Public Works Department.

Should you have any questions, feel free to contact me at (512) 401-5354.

Sincerely,

Emily D. Truman, P.E.
Senior Engineer
Public Works Department

cc: Darwin Marchell, P.E., Director of Engineering
Jim Tolles, P.E., JR Tolles and Associates
Leanna Einhaus, Blake Magee FAX (512) 481-0333

X:\Projects\Subdivision\CypressCanyonSec4Approval.doc





CEDAR PARK

May 7, 2008

Mr. Danny Doering, P.E.
Carlson, Brigrance and Doering, Inc.
5501 West William Cannon
Austin, Texas 78749
FAX (512)282-0170

**Re: Final Approval of Subdivision Improvements
Cypress Canyon Section 5
SI-06-019**

Dear Mr. Doering:

The above referenced subdivision was constructed in general accordance with the construction plans, which were approved by the City of Cedar Park Public Works Department. The contractor has provided a maintenance bond that will warranty their work for one year from today's date.

The engineer has provided as-built plans and a concurrence letter.

Should you have any questions, feel free to contact me at (512) 401-5354.

Sincerely,

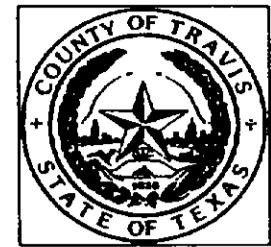
A handwritten signature in cursive script that reads "Emily D. Truman".

Emily D. Truman, P.E.
Senior Engineer
Public Works Department

cc: Darwin Marchell, P.E., Director of Engineering
Jim Tolles, P.E., JR Tolles and Associates
Leanna Einhaus, Blake Magee FAX (512) 481-0333

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ACCEPTANCE OF DEDICATION OF STREETS AND DRAINAGE



SUBDIVISION
Mapsco No. 402P&T

Cypress Canyon, Section 4
Cypress Canyon, Section 5

Pct.# 3
Atlas No. P-06

SECTION 4 RECORDED AT DOC #200600173 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY ON 6/08/06.
SECTION 5 RECORDED AT DOC #200700306 IN THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY ON 10/15/07.

TWO SUBDIVISIONS CONTAINING 9 STREETS AS LISTED BELOW:

#	STREET NAME	FROM - TO	L.F.	MILES	WIDTH	ROW TYPE	WIDTH OF CURB & PVMNT	GUTTER
SECTION 4								
1	Ramble Valley Drive	intersection w/Zepplin Dr 1,161' west to cul de sac (R=60')	1161	0.22	50'	HMAC	30' F-F	YES
2	Rhondstat Drive	intersection w/Rambler Valley Dr north to NE cor of Lot 52, Blk H	502	0.10	50'	HMAC	30' F-F	YES
3	Costello Court	intersection w/Rhondstat Run west to cul de sac (R=60')	251	0.05	50'	HMAC	30' F-F	YES
SECTION 5								
4	Canyon Springs Drive	intersection w/Rhondstat Run west, then north to NE cor of Lot 14, Blk H	1404	0.27	60'	HMAC	40' F-F	YES
5	Ely Court	intersection w/Canyon Springs Drive east to cul de sac (R=60')	382	0.07	50'	HMAC	30' F-F	YES
6	Krupa Court	intersection w/Canyon Springs Drive east to cul de sac (R=50')	224	0.04	50'	HMAC	30' F-F	YES
7	Lady Day Cove	intersection w/Canyon Springs Drive west to cul de sac (R=60')	402	0.08	50'	HMAC	30' F-F	YES
8	Mancini Cove	intersection w/Rhondstat Run west to cul de sac (R=50')	156	0.03	50'	HMAC	30' F-F	YES
9	Rhondstat Run	SE cor of Lot 51, Blk H north 1,172' to cul de sac (R=50')	1172	0.22	50'	HMAC	30' F-F	YES
Total Footage/Mileage			5654	1.07				

THE TOTAL NUMBER OF LOTS IN THESE SUBDIVISIONS - 31 & 82 respectively N/A ADDITIONAL LOTS SOLD FOR DEVELOPMENT

CONSTRUCTION OF STREETS AND DRAINAGE EXCEEDS MINIMUM COUNTY STANDARD FOR STREETS NUMBERED 1-9

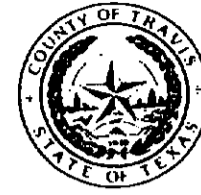
IT IS RECOMMENDED THAT MAINTENANCE OF STREETS NUMBERED 1-9 TOTALING 1.07 MILES BE ACCEPTED BY THE TRAVIS COUNTY COMMISSIONERS' COURT IN PRECINCT 3.

5-Aug-08
DATE

Don Ward, PE
Director of
Road Maintenance & Fleet Services

DP = DOUBLE PENETRATION
HMAC = HOT MIX ASPHALT
C = CONCRETE
UPP = UNPAVED, PIT RUN
UPS = UNPAVED, SELECT

DATE APPROVED BY COMMISSIONERS' COURT



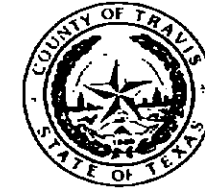
TRANSPORTATION & NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4649

**CYPRESS CANYON, SECTION FOUR
REQUIREMENTS FOR APPROVAL OF CONSTRUCTION
PUBLIC STREET SUBDIVISIONS PER STANDARDS FOR CONSTRUCTION OF STREETS
AND DRAINAGE IN SUBDIVISIONS - AUGUST 28, 1997**

- 12/14/06 1. Professional Engineer’s certification of quantities of work completed (**Engineer’s Concurrence Letter**). § 82.401(c)(1)(A) § 82.604(c)(2)
- NA 2. Construction Summary Report, if in COA ETJ, **signed** by COA inspector. §82.604(c)(1)
- 12/14/06 3. Contractor’s (signed) invoice or receipt of payment for work completed. §82.401(a)(1)(B)
- 12/14/06 4. Reproducible Plans, certified as “**Record Drawings**” or “**As Built**”, by the Owner’s Consulting Engineer [§ 82.604(c)(3)] including a Signage and Striping Plan [§82.303] and accompanying Stop Sign Warrants sheets for each sign.
- TNR will reduce 5. Performance Period Fiscal for 10% of the actual construction cost of street and drainage construction plus fiscal for residential sidewalks, if applicable. If bond, it must be in a form acceptable to Travis County and dated near the time of the TNR inspection report. Must be posted by owner/developer. § 82.604(c)(4)
- NA 6. **If applicable**, a copy of the Conditional Letter of Map Amendment or Revision from FEMA to begin Performance Period and the completed Letter of Map Revision (LOMR) to accept streets for maintenance. § 82.604(c)(5)
- 5/16/08 7. A letter from a **Registered Accessibility Specialist** approving sidewalk construction, within the subdivision. Plan approval required at time of issuance of Basic Development Permit. Substantial compliance (inspection) required at time of street acceptance for maintenance. § 82.202(q)(2)
- 7/18/08 8. A TNR inspection report, indicating the completion of that portion of the work represented by the reduction of fiscal (streets and drainage, including detention ponds, and sidewalks). § 82.401(c)(2)(C) Road Maintenance will have to approve construction before recommending acceptance to Commissioners Court.
- 5/20/08 9. Approval of other agencies and/or cities, **if in their ETJ**; Municipal or other Utility Districts.
- 12/12/06 10. License Agreement (**If there are private improvements in Public ROW**).



TRANSPORTATION & NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
 Executive Office Building
 PO Box 1748
 Austin, Texas 78767
 (512) 854-9383
 FAX (512) 854-4649

**CYPRESS CANYON, SECTION FIVE
 REQUIREMENTS FOR APPROVAL OF CONSTRUCTION
 PUBLIC STREET SUBDIVISIONS PER STANDARDS FOR CONSTRUCTION OF STREETS
 AND DRAINAGE IN SUBDIVISIONS - AUGUST 28, 1997**

- 11/7/07 1. Professional Engineer's certification of quantities of work completed (**Engineer's Concurrence Letter**). § 82.401(c)(1)(A) § 82.604(c)(2)
- NA 2. Construction Summary Report, if in COA ETJ, **signed** by COA inspector. §82.604(c)(1)
- 11/7/07 3. Contractor's (signed) invoice or receipt of payment for work completed. §82.401(a)(1)(B)
- 11/7/07 4. Reproducible Plans, certified as "**Record Drawings**" or "**As Built**", by the Owner's Consulting Engineer [§ 82.604(c)(3)] including a Signage and Striping Plan [§82.303] and accompanying Stop Sign Warrants sheets for each sign.
- TNR will reduce 5. Performance Period Fiscal for 10% of the actual construction cost of street and drainage construction plus fiscal for residential sidewalks, if applicable. If bond, it must be in a form acceptable to Travis County and dated near the time of the TNR inspection report. Must be posted by owner/developer. § 82.604(c)(4)
- NA 6. **If applicable**, a copy of the Conditional Letter of Map Amendment or Revision from FEMA to begin Performance Period and the completed Letter of Map Revision (LOMR) to accept streets for maintenance. § 82.604(c)(5)
- 5/8/08 7. A letter from a **Registered Accessibility Specialist** approving sidewalk construction, within the subdivision. **Plan approval** required at time of issuance of Basic Development Permit. Substantial compliance (inspection) required at time of street acceptance for maintenance. § 82.202(q)(2)
- 7/18/08 8. A TNR inspection report, indicating the completion of that portion of the work represented by the reduction of fiscal (streets and drainage, including detention ponds, and sidewalks). § 82.401(c)(2)(C) Road Maintenance will have to approve construction before recommending acceptance to Commissioners Court.
- 5/16/08 9. Approval of other agencies and/or cities, **if in their ETJ**: Municipal or other Utility Districts.
- NA 10. License Agreement (**If there are private improvements in Public ROW**).

LICENSE AGREEMENT

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

This Agreement is made and entered into by and between Travis County, Texas, (the "COUNTY") and the Homeowner's Assoc. for Deer Creek Ranch, Inc. (the "ASSOCIATION"), hereinafter collectively referred to as the "Parties", for the purposes and consideration described herein.

WITNESSETH:

WHEREAS, the COUNTY has accepted the dedication of the roads in Cypress Canyon, Sec. 4, a subdivision located in Travis County, being more particularly described in that certain plat recorded at [Book _____, Page _____, of the Plat]OR[Doc# 200600173, of the Official Public] Records of Travis County, Texas) (the "Subdivision"); and

WHEREAS, the ASSOCIATION plans to install, pay expenses, and maintain certain landscaping and improvements in portions of the right-of-way of Rambler Valley Drive in the Subdivision; and

WHEREAS, the landscaping and improvements include, but are not limited to, an irrigation system, lighting, trees and shrubs (the "Improvements") within portions of the right-of-way of the Subdivision roads, which are not intended or used for vehicular traffic; and

WHEREAS, the area of the right-of-way within which the Improvements are to be installed and/or maintained (the "Licensed Property") is described in the Exhibit "A", which is attached hereto and incorporated herein for all purposes;

NOW, THEREFORE, the COUNTY and the ASSOCIATION agree as follows:

I. Grant

Subject to the conditions in this Agreement and to the extent of the right, title and interest of the COUNTY in and to the Licensed Property and without any express or implied warranties, the COUNTY grants to the ASSOCIATION permission to use the Licensed Property to construct, maintain and repair the Improvements existing in the Licensed Property as of the date of this Agreement.

II. Consideration

The COUNTY and the ASSOCIATION each acknowledge the receipt and sufficiency of good and valuable consideration for the execution of this Agreement, including but not limited to the following:

- 1. The beautification to be afforded to the community by the Improvements; and

2. The agreement by the ASSOCIATION to provide the below-specified insurance and indemnification in favor of the COUNTY.

III. County's Rights to Licensed Property

A. This Agreement is expressly subject and subordinate to the present and future right of the COUNTY, its successors, assigns, lessees, grantees, and licensees, to construct, install, establish, maintain, use, operate, and renew any public utility facilities, franchised public facilities, roadways or streets on, beneath or above the surface of the Licensed Property. The COUNTY shall take reasonable measures to prevent damage to any Improvements on the Licensed Property, however, any damage to or destruction of the ASSOCIATION's property by the COUNTY in the exercise of the above-described rights shall be at no charge, cost, claim or liability to the COUNTY, its agents, contractors, officers or employees. Nothing in this Agreement shall be construed to limit in any way the power of the COUNTY to widen, alter or improve the Licensed Property pursuant to official action by the governing body of the COUNTY or its successors; provided, however, that the COUNTY shall provide the ASSOCIATION with at least thirty (30) days prior written notice of any such contemplated action.

B. NOTWITHSTANDING ANY PROVISIONS IN THIS AGREEMENT TO THE CONTRARY, THE COUNTY RETAINS THE RIGHT TO ENTER UPON THE LICENSED PROPERTY, AT ANY TIME AND WITHOUT NOTICE, ASSUMING NO OBLIGATION TO THE ASSOCIATION, TO REMOVE ANY OF THE IMPROVEMENTS OR ALTERATIONS THEREOF, WHENEVER SUCH REMOVAL IS DEEMED NECESSARY FOR: (A) EXERCISING THE COUNTY'S RIGHTS OR DUTIES WITH RESPECT TO THE LICENSED PROPERTY; (B) PROTECTING PERSONS OR PROPERTY; OR (C) THE PUBLIC HEALTH OR SAFETY WITH RESPECT TO THE LICENSED PROPERTY.

IV. Insurance

A. The ASSOCIATION shall, at its sole expense, provide extended public liability insurance coverage, written by a company acceptable to the County, licensed to do business in Texas, in the amounts of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) per occurrence and ONE MILLION DOLLARS (\$1,000,000.00) in the aggregate for property damage and personal injury and death, which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the COUNTY OF TRAVIS as co-insured or as an additional insured. This insurance coverage shall cover all perils arising out or connected in any way to the activities of the ASSOCIATION, its officers, employees, agents or contractors, relative to this Agreement. The ASSOCIATION shall be responsible for any deductibles stated in the policy. A true copy of each instrument affecting such additional coverage shall be delivered to the COUNTY'S Executive Manager of Transportation & Natural Resources Department within twenty-one (21) days of the effective date of this Agreement.

B. The ASSOCIATION shall not cause any insurance to be canceled nor permit any insurance to lapse. All insurance certificates shall include a clause to the effect that the policy shall not be canceled, reduced, restricted or otherwise limited until thirty (30) days after the COUNTY has received written notice as evidenced by a return receipt of registered or certified mail.

V. Indemnification

To the extent permitted by Texas law, the ASSOCIATION agrees to and shall indemnify, defend and hold harmless the COUNTY and its officers, agents and employees against all claims, suits, demands, judgments, expenses, including attorney's fees, or other liability for personal injury, death, or damage to any person or property, which arises from or is in any manner connected to or caused in whole or in part by the ASSOCIATION's construction, maintenance or use of the Licensed Property. This indemnification provision, however, shall not apply to any claims, suits, damages, costs, losses or expenses (i) for which the COUNTY shall have been compensated by insurance provided under Paragraph IV, above, or (ii) arising solely from the negligent or willful acts of the COUNTY, provided that for the purposes of the foregoing, the COUNTY'S act of entering into this Agreement shall not be deemed to be a "negligent or willful act".

VI. Conditions

A. Compliance with Regulations. The ASSOCIATION agrees that all construction, maintenance and repair permitted by this Agreement shall be done in compliance with all applicable City, County, State and/or Federal policies, traffic, building, health and safety ordinances, laws and regulations.

B. ASSOCIATION's Responsibilities. The ASSOCIATION will be responsible for any damage to or relocation of existing facilities required by the construction of the improvements. Further, the ASSOCIATION shall reimburse the COUNTY for all reasonable costs incurred by the COUNTY in replacing or repairing any property of the COUNTY or of others which was damaged or destroyed as a result of activities under this Agreement by or on behalf of the ASSOCIATION.

C. Maintenance. The ASSOCIATION shall maintain the Licensed Property by keeping the area free of debris and litter. The removal of dead, or dying, plants shall also be handled by the ASSOCIATION at its expense.

D. Removal or Modification. The ASSOCIATION agrees that removal or modification of any improvements now existing or to be later replaced shall be at the ASSOCIATION's sole discretion, except where otherwise provided by this Agreement. This Agreement, until its expiration or revocation, shall run as a covenant on the land on the above-described real property, and the terms and conditions of this Agreement shall be binding on any successors and assigns in interest to the ASSOCIATION or the COUNTY. A written memorandum of this agreement shall be filed in the Real Property Records of Travis County, Texas.

E. **Security Deposit.** The ASSOCIATION shall provide the COUNTY with cash in a cashier's check in the amount of Four thousand seven hundred AND NO/100 DOLLARS (\$ 4700.00). Cash provided to the COUNTY will be deposited with the County Treasurer and interest, on the amount, will be paid to the ASSOCIATION, on an annual basis upon the receipt by the Treasurer of a letter requesting such interest. The only condition to a draft on the cash security shall be a letter from the Travis County Judge indicating that the ASSOCIATION has not fulfilled its obligations under this Agreement and that the COUNTY has incurred or will incur expenses with regard to the Improvements located on, upon or in the Licensed Property.

F. **Default.** In the event that the ASSOCIATION fails to maintain the Licensed Property, then the COUNTY shall give the ASSOCIATION written notice thereof by registered or certified mail, return receipt requested, to the addresses set forth below. The ASSOCIATION shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of and, if the ASSOCIATION does not satisfactorily remedy the same within the thirty (30) day period, the COUNTY may, at the COUNTY'S option, perform the work or contract for the completion of the work. In addition, the ASSOCIATION agrees to pay, within thirty (30) days of written demand by the COUNTY, all reasonable costs and expenses incurred by the COUNTY in completing the work.

VII. Commencement; Termination by Abandonment

This Agreement shall begin on the date of full execution and continue thereafter for so long as the Licensed Property shall be used for the purposes set forth herein, unless terminated under other provisions of this Agreement. If the ASSOCIATION abandons the use of all or any part of the Licensed Property for such purposes set forth in this Agreement, then this Agreement, as to such portion or portions abandoned, shall expire and terminate following thirty (30) days written notice by the COUNTY to the ASSOCIATION, if such abandonment has not been remedied by the ASSOCIATION within such period. The COUNTY shall thereafter have the same title to the Licensed Property so abandoned as though this Agreement had never been made and shall have the right to enter on the Licensed Property and terminate the rights of the ASSOCIATION, its successors and assigns hereunder. All installations of the ASSOCIATION not removed shall be deemed property of the COUNTY as of the time abandoned.

VIII. Termination

A. **Termination by the ASSOCIATION.** This Agreement may be terminated by the ASSOCIATION by delivering written notice of termination to the COUNTY not later than thirty (30) days before the effective date of termination. If the ASSOCIATION so terminates, then it may remove installations that it made from the Licensed Property within the thirty (30) day notice period. Any installations not removed within said period are agreed to be the property of the COUNTY.

B. **Termination by County.** This Agreement may be revoked at any time by the COUNTY, if such revocation is reasonably required by the public interest, after providing at least thirty (30) days prior written notice to the ASSOCIATION. Subject to prior

written notification to the ASSOCIATION or its successors in interest, this Agreement is revocable by the COUNTY if:

1. The Improvements, or a portion of them, interfere with the COUNTY'S use of the Licensed Property;
2. Use of the Licensed Property becomes necessary for a public purpose;
3. The Improvements, or a portion of them, constitute a danger to the public, which the COUNTY deems not to be remediable by alteration or maintenance of such Improvements;
4. Despite thirty (30) days written notice to the ASSOCIATION, maintenance or alteration necessary to alleviate a danger to the public has not been made; or
5. The ASSOCIATION fails to comply with the terms and conditions of this Agreement, including, but not limited to, the insurance requirements specified herein.

If the ASSOCIATION abandons or fails to maintain the Licensed Property, and the COUNTY receives no substantive response within thirty (30) days following written notification to the ASSOCIATION, then this Agreement shall terminate and the COUNTY may remove and/or replace all Improvements or a portion thereof and collect from ASSOCIATION the COUNTY'S actual expenses incurred in connection therewith.

IX. Eminent Domain

If eminent domain is exerted on the Licensed Property by paramount authority, then the COUNTY will, to the extent permitted by law, cooperate with the ASSOCIATION to effect the relocation of the ASSOCIATION'S affected installations at the ASSOCIATION'S sole expense. The ASSOCIATION shall be entitled to retain all monies paid by the condemning authority for its installations taken, if any.

X. Interpretation

In the event of any dispute over its meaning or application, this Agreement shall be interpreted fairly and reasonably and neither more strongly for or against either party.

XI. Application of Law

This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the Parties as evidenced by this Agreement.

XII. Venue

TO THE EXTENT ALLOWED BY TEXAS LAW, IT IS AGREED THAT VENUE FOR ALL LAWSUITS CONCERNING THIS AGREEMENT WILL BE IN TRAVIS COUNTY, TEXAS. THIS AGREEMENT CONCERNS REAL PROPERTY LOCATED IN TRAVIS COUNTY, TEXAS, AND IS WHOLLY PERFORMABLE IN TRAVIS COUNTY.

XIII. Covenant Running with Land

This License Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns.

XIV. Assignment

The ASSOCIATION shall not assign, sublet or transfer its interest in this Agreement without the written consent of the COUNTY. If such consent is granted, it shall then be the duty of the ASSOCIATION, its successors and assigns, to give prompt written notice to the COUNTY of any assignment or transfer of any of the ASSOCIATION's rights in this Agreement, giving name, date, address and contact person.

XV. Notice

Any notice and/or statement, required or permitted hereunder, shall be deemed to be given and delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses or at such other addresses specified by written notice delivered in accordance herewith:

ASSOCIATION:

Homeowners Association
for Deer Creek Ranch, Inc.
1701 Directors Blvd. Ste. 290
Austin, Texas 78744-1144
phone (512) 441-1041

COUNTY:

Honorable Samuel T. Biscoe (or successor)
Travis County Judge
P.O. Box 1748
Austin, Texas 78767

COPY TO:

Joseph Gieselman, Executive Manager (or successor)
Travis County Transportation and Natural Resources Dept.
P.O. Box 1748
Austin, Texas 78767

COPY TO:

Honorable David A. Escamilla (or successor)
Travis County Attorney
P.O. Box 1748
Austin, Texas 78767
Attn: File No. 83. ____

XVI. Annexation by the City

A. If the total area within the Licensed Property is annexed for full purposes by the City of Austin or other incorporated municipality (the "CITY"), then all references in this Agreement to "the COUNTY" shall be construed to mean "the CITY"; all references to "the Executive Manager of the COUNTY Transportation and Natural Resources Department" shall be construed to mean "the Director of the CITY Department of Public Works & Transportation"; all references to "the Commissioners Court" shall be construed to mean "the CITY Council". Any other references to COUNTY employees shall be construed to mean the analogous CITY employee or officer.

EXECUTED AS OF THE DATES SET FORTH BELOW:

TRAVIS COUNTY, TEXAS

By: _____
Samuel T. Biscoe, County Judge

Date: _____

ACKNOWLEDGEMENT

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the ___ day of _____, 2006, by Samuel T. Biscoe, County Judge of Travis County, Texas, a duly organized County and political subdivision of the State of Texas, on behalf of said County.

Notary Public in and for the State of Texas

Printed/Typed Name

My commission expires

TERMS AND CONDITIONS ACCEPTED, this the __ day of _____, 2008.

THE ASSOCIATION:

Homeowners Association for Deer Creek Ranch, Inc.

By: [Signature]
signature

Name: Rosalyn Peterson
printed name

Title: Association Manager
Authorized Representative

ACKNOWLEDGEMENT

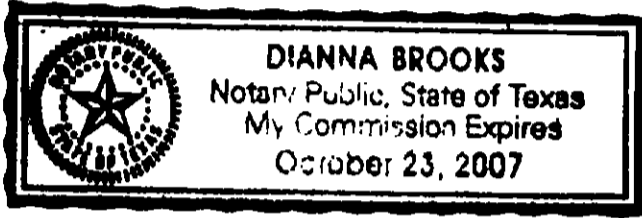
THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 6 day of Oct., 2006, by as Manager of the HOA for Deer Creek Ranch, a Texas corporation, on behalf of said corporation.

Dianna Brooks
Notary Public in and for the State of Texas



Dianna Brooks
Printed/Typed Name

October 23, 2007
My commission expires

ADDRESS OF ASSOCIATION:

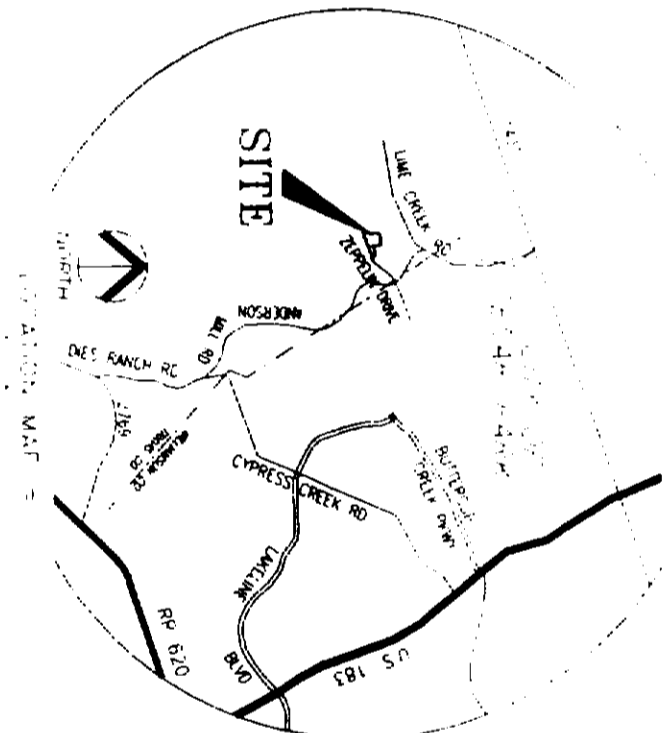
Homeowners Association
For Deer Creek Ranch, Inc.
1701 Directors Blvd.
Suite 290
Austin, Texas 78744-1144
(512) 441-1041
phone

ASSOCIATION'S MANAGEMENT CO.

Plateau Property Management
1701 Directors Blvd, Ste. 290
Austin, Texas 78744-1144
Attn: Rosalyn Peterson
(512) 441-1041
phone

CITY OF CEDAR PARK, TRAVIS COUNTY TEXAS CYPRESS CANYON SUBDIVISION SECTION FOUR

RAMBLER VALLEY DRIVE LANDSCAPE & IRRIGATION IMPROVEMENTS



TRAVIS COUNTY COMMISSION, 1400 NORTH LIME CREEK ROAD, SUITE 101, CEDAR PARK, TEXAS 78613
MEMORANDUM FOR THE COMMISSION
SUBJECT: LANDSCAPE & IRRIGATION IMPROVEMENTS FOR THE CYPRESS CANYON SUBDIVISION, SECTION FOUR, RAMBLER VALLEY DRIVE, CEDAR PARK, TEXAS
DATE: 08/04/08

NOTE
RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE LANDSCAPE ARCHITECT. TRAVIS COUNTY LAND MUST RELY ON THE ADEQUACY OF THE LANDSCAPE ARCHITECT.

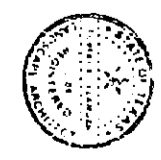
SHEET INDEX
1. COVER
2. RAMBLER VALLEY DRIVE LANDSCAPE & IRRIGATION IMPROVEMENTS
3. RAMBLER VALLEY DRIVE LANDSCAPE & IRRIGATION IMPROVEMENTS
4. RAMBLER VALLEY DRIVE LANDSCAPE & IRRIGATION IMPROVEMENTS

LANDSCAPE ARCHITECT
ROBERT BELANGER ASSOCIATES
711 COST CANYON
AUSTIN TEXAS 78746 FAX (512) 329-9100
PHONE (512) 666-8225

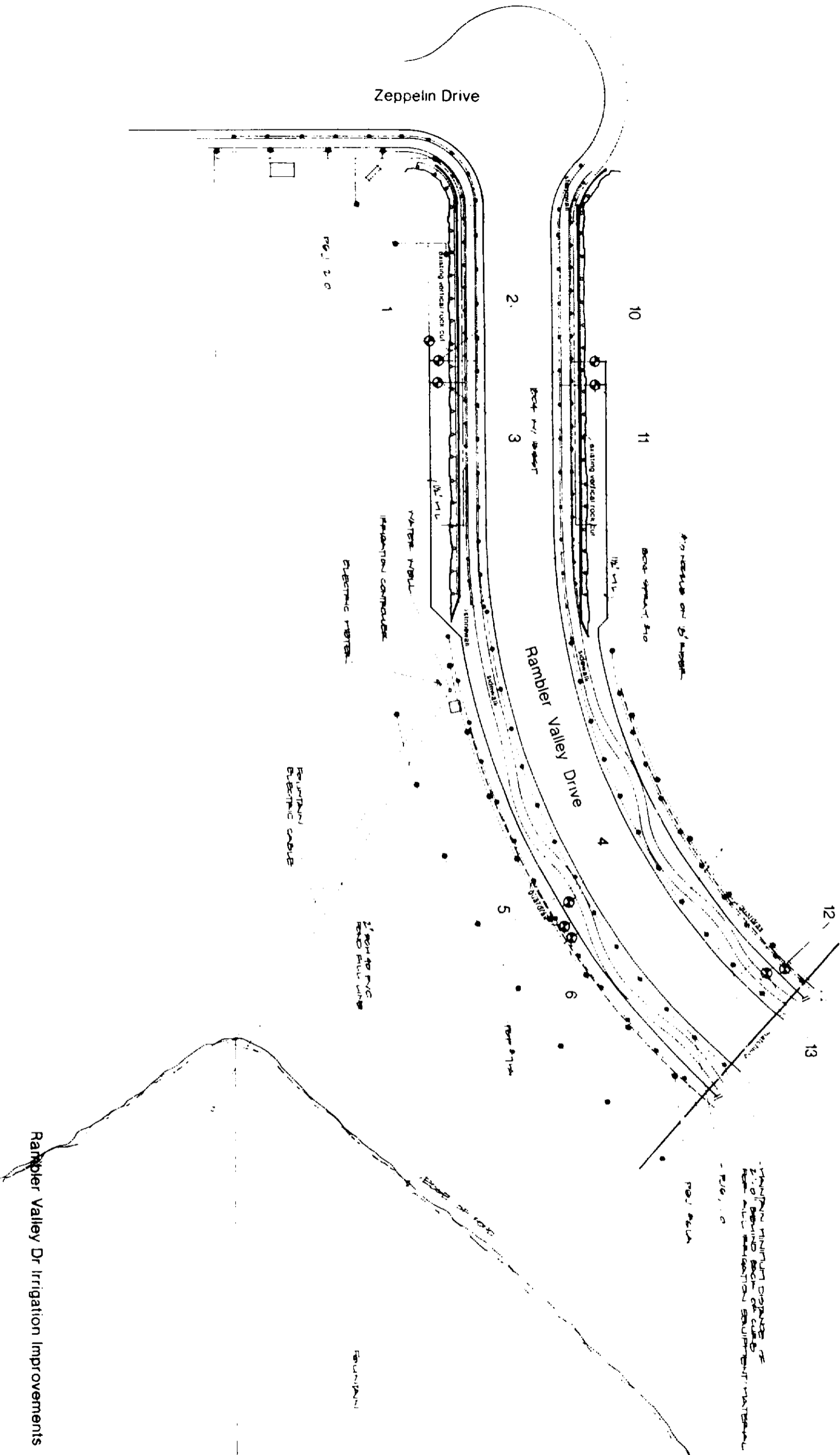
OWNER
STANDARD PACIFIC OF TEXAS LP
% AM BRUCE DICKSON DIVISION PRES
12401 RESEARCH BLVD
BUILDING 2 SUITE 100
AUSTIN TEXAS 78759 FAX (512) 401-1938
PHONE (512) 501-1966

PROJECT MANAGER
BLAKE MADGE
BLAKE MADGE COMPANY
1011 N. LAMAR
AUSTIN TEXAS 78703 FAX (512) 401-0233
PHONE (512) 401-0201

APPROVED BY
[Signature]
DATE 9.15.08

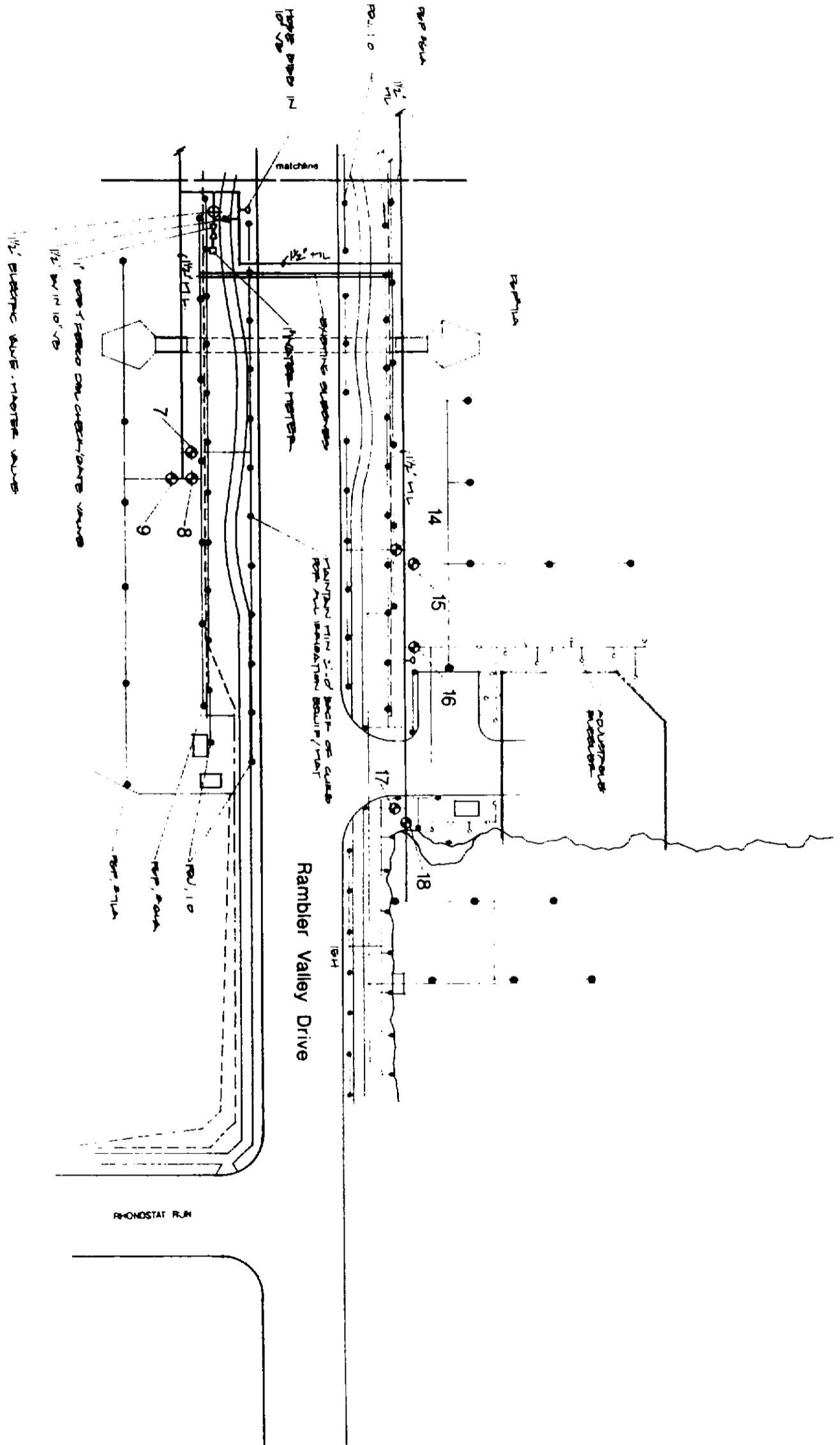


Approved by Robert Belanger Associates



Rainbler Valley Dr Irrigation Improvements

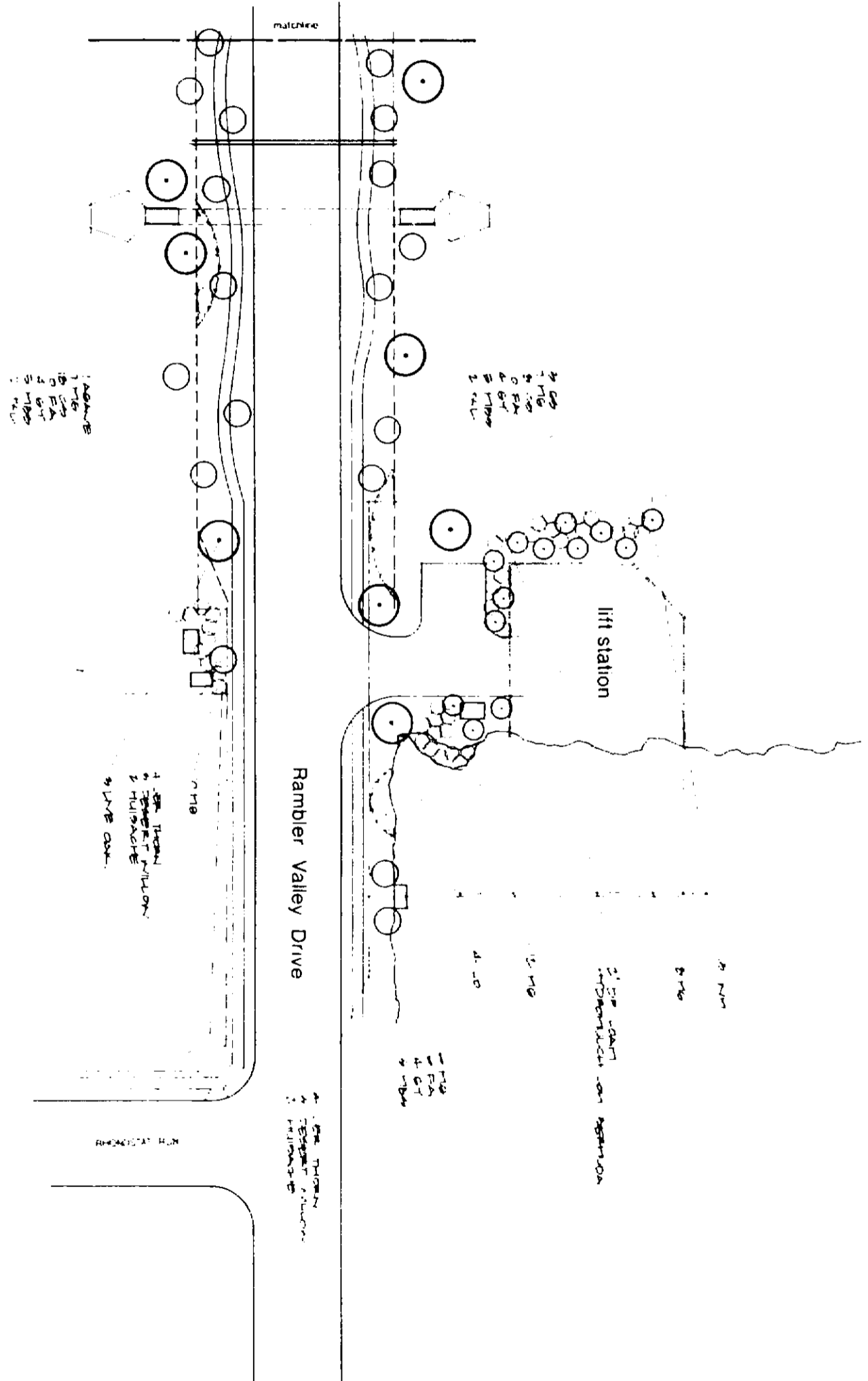
	<h1>CYPRESS CANYON</h1> <p>Community Landscape Development</p>			<p>DATE: 8/4/08 DRAWN BY: [Name] CHECKED BY: [Name]</p>	 <p>ROBERT ANDERSON ASSOCIATES 1000 S. GARDEN AVENUE ANAHEIM, CA 92805 (714) 944-1100</p>
	<p>SCALE: 1" = 20'</p> <p>DATE: 8/4/08</p> <p>ISSUE: L2</p>	<p>PROJECT: Rainbler Valley Dr Irrigation Improvements</p> <p>SHEET: [Number]</p>			



Rambler Valley Dr Irrigation Improvements

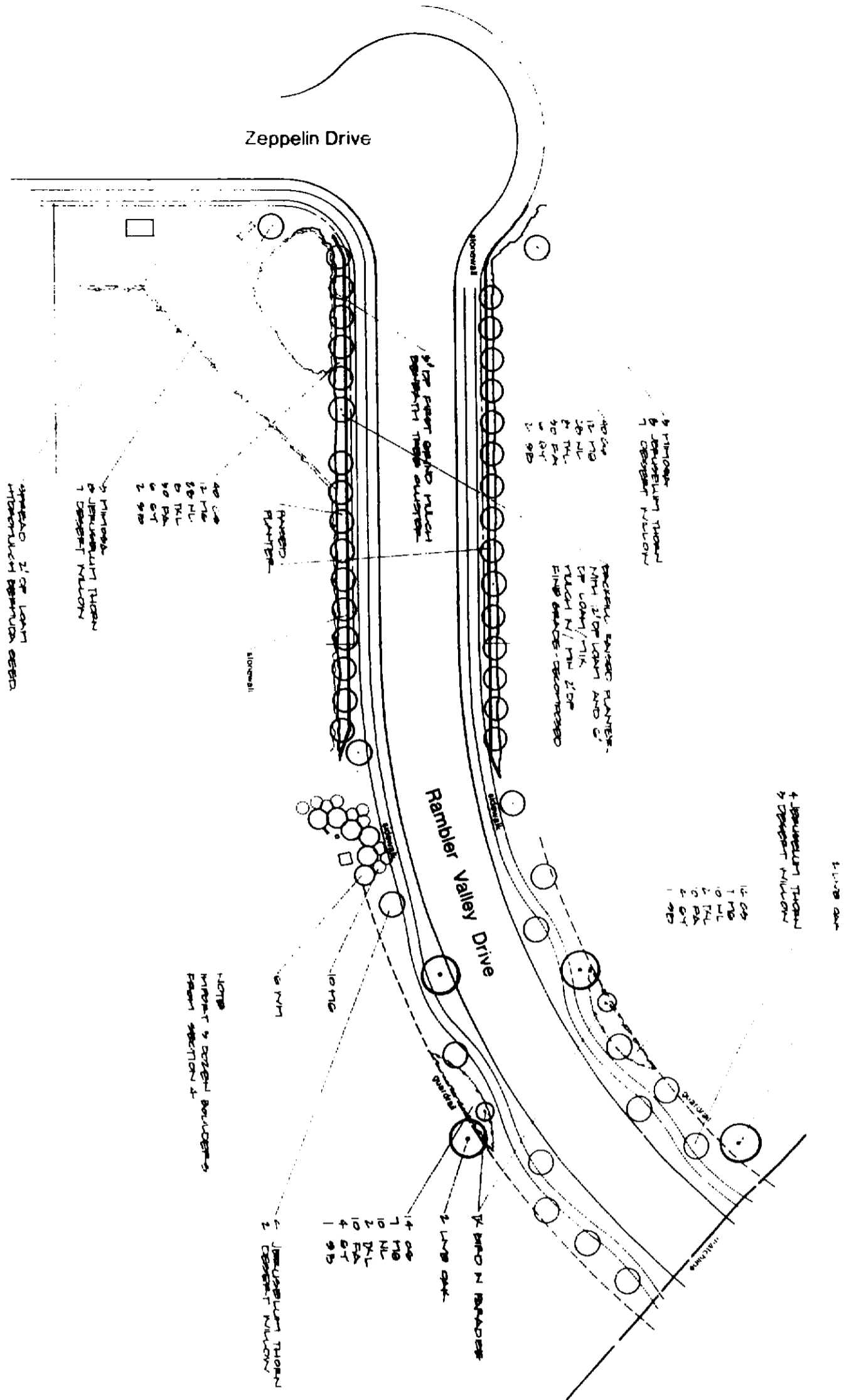
	<h1>CYPRESS CANYON</h1> <p>Community Landscape Development</p>			<p>Norman Alexander Professional Engineer No. 10746 California State Board of Engineers</p>
	<p>SCALE 1" = 20'</p>	<p>DATE 8/13/08</p>		

<p>RAMBLER VALLEY DRIVE PLANT MATERIAL</p> <p>1. TREE 2. SHRUB 3. FLOWER 4. FOLIAGE 5. GRASS 6. PERENNIAL 7. ANNUAL 8. SPERMATOPHYTES 9. GYMNOGAMETOPHYTES 10. BRYOPHYTES 11. ALGAE 12. LICHENS 13. FUNGI 14. Mosses 15. Ferns 16. Vascular plants</p>	<p>1. TREE 2. SHRUB 3. FOLIAGE 4. FOLIAGE 5. GRASS 6. PERENNIAL 7. ANNUAL 8. SPERMATOPHYTES 9. GYMNOGAMETOPHYTES 10. BRYOPHYTES 11. ALGAE 12. LICHENS 13. FUNGI 14. Mosses 15. Ferns 16. Vascular plants</p>
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Rambler Valley Dr Landscape Improvements

<p>1988/E</p> <p>SCALE</p> <p>1" = 20'</p> <p>SHEET</p> <p>L4</p>	<p>CYPRESS CANYON</p> <p>Community Landscape Development</p>		<p>1288/06</p> <p>7/1/08</p> <p>7/1/08</p>
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Rambler Valley Dr Landscape Improvements

	<p>PROJECT: Rambler Valley Dr Landscape Improvements</p> <p>DATE: 8/4/08</p> <p>SCALE: 1" = 20'</p> <p>SHEET: 15</p>
	<p>DESIGNED BY: [Name]</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>DATE: 8/4/08</p>

CYPRESS CANYON SUBDIVISION SECTION FOUR

J. R. WOODY SURVEY NO. 4
ABSTRACT 2622

PROPOSED CYPRESS CANYON
SUBDIVISION SECTION 5

GREENBELT WATER QUALITY
DETERMINATION EASEMENT & PILE
DOCUMENT NO. 2003281185

S952347T
A=288.65'
C=279.80'
R=335.00'
I=153.97'
DELTA=69.72704°

S674745T
A=100.00'
C=117.15'
R=125.00'
I=63.438°

S43721W
A=42.33'
C=53.721'
R=58.00'
I=42.33°

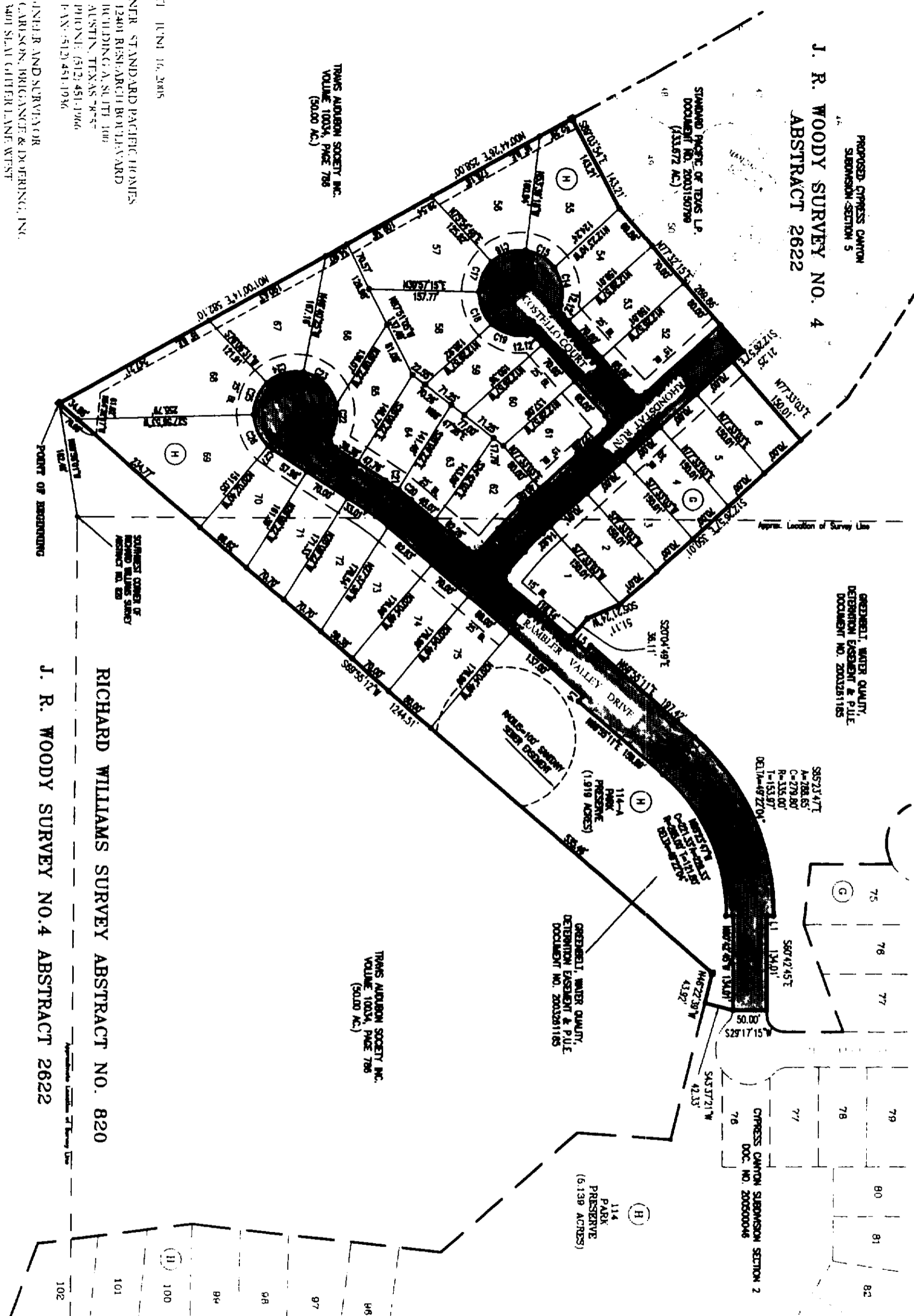
S43721W
A=42.33'
C=53.721'
R=58.00'
I=42.33°

S43721W
A=42.33'
C=53.721'
R=58.00'
I=42.33°

S43721W
A=42.33'
C=53.721'
R=58.00'
I=42.33°

S43721W
A=42.33'
C=53.721'
R=58.00'
I=42.33°

- SCALE: 1" = 100'
- LEGEND
- RON ROD SET
 - CONCRETE MONUMENT SET
 - RON PIPE FOUND
 - BUILDING SETBACK LINE
 - PUBLIC UTILITY EASEMENT
 - DRAINAGE EASEMENT
 - LANDSCAPE EASEMENT
 - SIDEWALK EASEMENT
 - APPROX. SIDEWALK LOCATION
 - LOT NUMBER
 - ① BLOCK NUMBER



RICHARD WILLIAMS SURVEY ABSTRACT NO. 820
J. R. WOODY SURVEY NO. 4 ABSTRACT 2622

TOTAL NUMBER OF LOTS: 31
TOTAL NUMBER OF BLOCKS: 2
TOTAL NUMBER OF PARK PRESERVE LOTS: 1
TOTAL NUMBER OF SINGLE FAMILY LOTS: 30
LINEAR FOOTAGE OF STREETS: 1,914 LF

STREET NAMES	R.O.W. WIDTH	LINEAR FOOTAGE
RAMBLER VALLEY DRIVE	50'	1,161'
RANDOLPH RIM	50'	502'
CRISTILLO COURT	50'	251'
TOTAL		1,914'

DATE: JUNE 16, 2005

OWNER: STANDARD PACIFIC HOMES
12401 RESEARCH BOULEVARD
AUSTIN, TEXAS 78757
PHONE: (512) 451-1966
FAX: (512) 451-1936

ENGINEER AND SURVEYOR:
CARLSON BRIGANCE & DOERING, INC.
3401 SLAV CATERLANE WEST
AUSTIN, TEXAS
PHONE: (512) 290-5160
FAX: (512) 290-5165

TOTAL ACREAGE: 13,335 ACRES

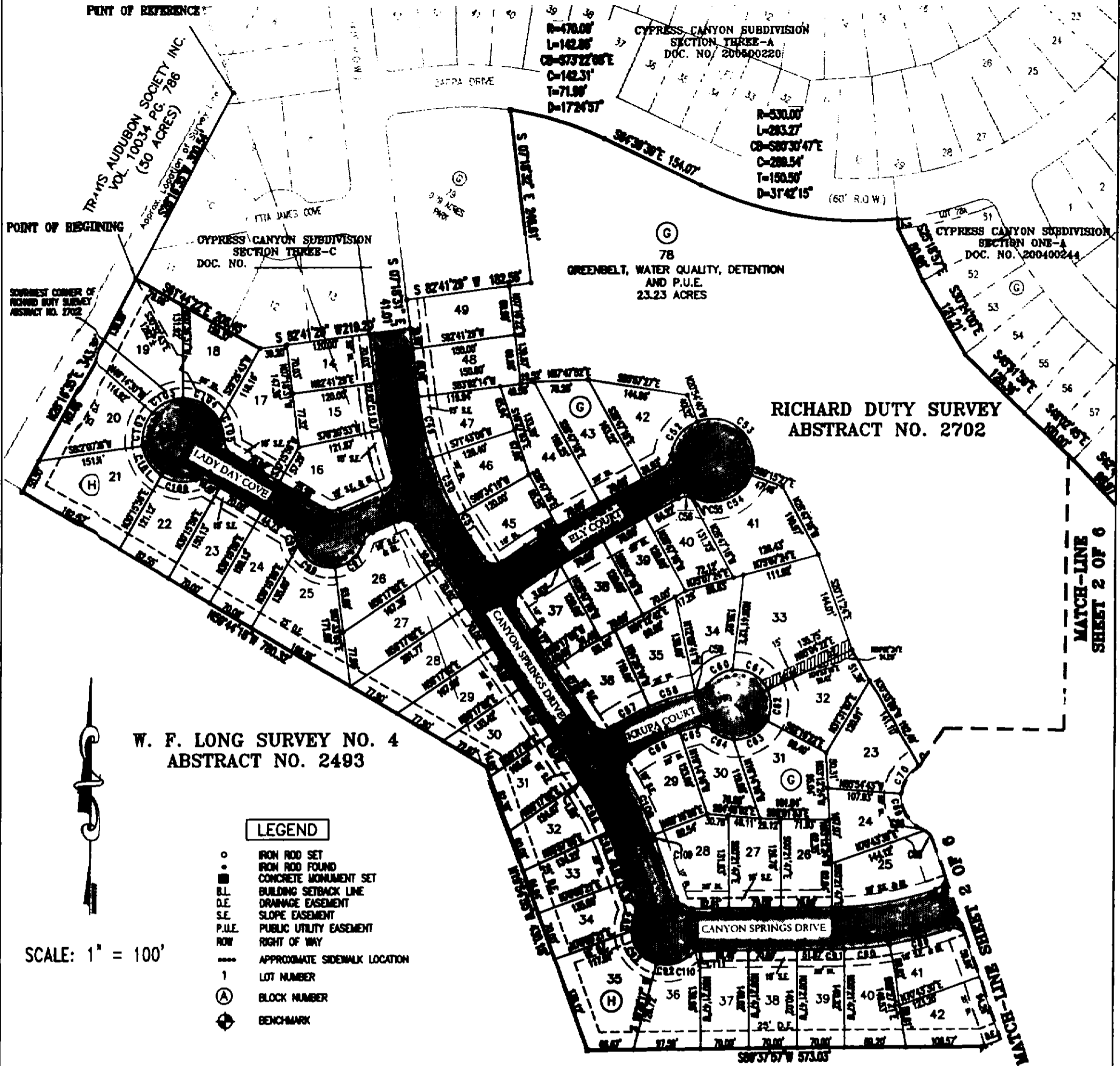
LEGAL MAP NUMBER: 48456 02567 (TRAVIS COUNTY)

SURVEY: RICHARD WILLIAMS SURVEY, ABSTRACT NO. 820
J. R. WOODY SURVEY NO. 4, ABSTRACT 2622

SHEET 1 OF 4

Carlson Brigrance & Doering, Inc.
Professional Surveyors & Engineers
1000 East 10th Street, Suite 100
Austin, Texas 78702
Phone: (512) 290-5160
Fax: (512) 290-5165

THE FINAL PLAT OF CYPRESS CANYON SECTION FIVE



POINT OF REFERENCE

TRANS AUDUBON SOCIETY INC.
VOL. 10034 PG. 786
(50 ACRES)

R=470.00'
L=142.25'
CB=5732206'E
C=142.31'
T=71.99'
D=172457

CYPRESS CANYON SUBDIVISION
SECTION THREE-A
DOC. NO. 200600220

R=530.00'
L=283.27'
CB=5803047'E
C=288.54'
T=150.50'
D=314215' (60' R.O.W.)

CYPRESS CANYON SUBDIVISION
SECTION ONE-A
DOC. NO. 200400244

GREENBELT, WATER QUALITY, DETENTION
AND P.U.E.
23.23 ACRES

RICHARD DUTY SURVEY
ABSTRACT NO. 2702

W. F. LONG SURVEY NO. 4
ABSTRACT NO. 2493



SCALE: 1" = 100'

LEGEND

- IRON ROD SET
- IRON ROD FOUND
- CONCRETE MONUMENT SET
- B.L. BUILDING SETBACK LINE
- - - D.E. DRAINAGE EASEMENT
- - - S.E. SLOPE EASEMENT
- - - P.U.E. PUBLIC UTILITY EASEMENT
- - - R.O.W. RIGHT OF WAY
- - - APPROXIMATE SIDEWALK LOCATION
- 1 LOT NUMBER
- (A) BLOCK NUMBER
- ⊕ BENCHMARK

MATCH-LINE
SHEET 2 OF 6

MATCH-LINE
SHEET 2 OF 6

DATE: DECEMBER 15, 2008

TRANS AUDUBON SOCIETY INC.
VOL. 10034 PG. 786
(50 ACRES)

OWNERS:
STANDARD PACIFIC OF TEXAS, L.P.
12401 RESEARCH BLVD.
BUILDING A SUITE 100
AUSTIN, TEXAS 78757
PHONE: (512) 451-1968 FAX: (512) 451-1938

ENGINEER AND SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
CIVIL ENGINEERING AND SURVEYING
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
PHONE: (512) 280-5160 FAX: (512) 280-5165

RIGHT-OF-WAY LINEAR FOOTAGE		
CANYON SPRINGS DRIVE	60' R.O.W.	1404'
ELY COURT	50' R.O.W.	382'
KRUPA COURT	50' R.O.W.	224'
LADY DAY COVE	50' R.O.W.	402'
MANCHI COVE	50' R.O.W.	156'
RHONSTAT RUN	50' R.O.W.	1172'
TOTAL		3740'

ACREAGE: 49.868 ACRES
SURVEYS: RICHARD DUTY SURVEY ABSTRACT NO. 2702
W.F. LONG SURVEY NO. 4 ABSTRACT NO. 2493
J.R. WOODY SURVEY NO. 4 ABSTRACT NO. 2622
RICHARD WILLIAMS SURVEY ABSTRACT NO. 820

TOTAL: 82 LOTS
NO. OF SINGLE FAMILY LOTS: 81
NO. OF LSE, SWE & P.U.E. LOTS: 1
NO. OF BLOCKS: 2

BENCHMARK NOTES:

- 1) STRAIGHT 600 NAIL SET IN 11" ELM 30' +/- EAST OF FRONT LOT PIN OF LOTS 78 & 41, BLOCK "G" ON ELY COURT. ELEVATION = 987.58'
- 2) 1-BENT 600 NAIL IN 7" LIVE OAK 2' +/- SOUTH OF P.C. OF LOT 25, BLOCK "G" ON CANYON SPRINGS DRIVE. ELEVATION: 977.64'

F.E.M.A. MAP NO. 48453C 0235 E
TRAVIS COUNTY, TEXAS DATED: 06-16-93

NOTES:

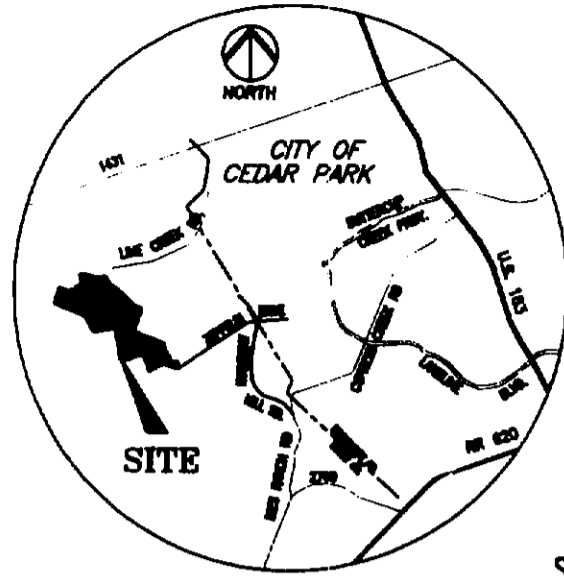
1. A ten (10) foot P.U.E. is hereby dedicated adjacent to all street R.O.W.s on all lots.
2. A five (5) foot wide P.U.E. is hereby dedicated along each side lot line from the front property line to the front building line except where a side lot line is also the rear lot line of an adjacent lot in which case the 5' wide P.U.E. is dedicated along the entire length of the side lot line.
3. A seven and one half (7 1/2) foot P.U.E. is hereby dedicated adjacent to all rear lot lines.
4. Sidewalks shall be installed on both sides of all streets in this subdivision.

Those sidewalks not abutting a residential, commercial or industrial lot shall be installed when the adjoining street is constructed. Where there are double frontage lots, sidewalks on the street to which access is prohibited are also required to be installed when the adjoining street is constructed.

Carlson, Brigance & Doering, Inc.
Civil Engineering & Surveying
5501 West William Cannon Drive • Austin, Texas 78749
PH: (512) 280-5160 • FAX: (512) 280-5165

THE FINAL PLAT OF CYPRESS CANYON SECTION FIVE

LOCATION MAP
(N.T.S.)



SCALE: 1" = 100'

LEGEND

- IRON ROD SET
- IRON ROD FOUND
- CONCRETE MONUMENT SET
- BL. BUILDING SETBACK LINE
- D.E. DRAINAGE EASEMENT
- S.E. SLOPE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- ROW RIGHT OF WAY
- APPROXIMATE SIDEWALK LOCATION
- 1 LOT NUMBER
- Ⓐ BLOCK NUMBER
- ⊕ BENCHMARK

MATCH-LINE SHEET 1 OF 6

MATCH-LINE & 1 OF 1 SHEETS

CYPRESS CANYON SUBDIVISION
SECTION ONE-A
DOC. NO. 200400244

78
GREENBELT, WATER QUALITY, DETENTION
AND P.U.E.
23.23 ACRES

RICHARD DUTY SURVEY
ABSTRACT NO. 2702

RANCH AT DEER CREEK
PHASE THREE SECTION THREE
DOC. NO. 200400011

J. R. WOODY SURVEY
NO. 4
ABSTRACT NO. 2622

78
GREENBELT, WATER QUALITY, DETENTION
AND P.U.E.
23.23 ACRES

RICHARD WILLIAMS SURVEY
ABSTRACT NO. 820

R=80.00'
L=131.05'
CB=S28°34'10"E
C=108.51'
T=115.61'
D=125°08'37"

R=335.00'
L=285.85'
CB=N85°23'47"W
C=278.80'
T=153.97'
D=47°22'04"

CB=S74°17'15"W
R=25.00' C=35.36'
L=38.27' T=25.00'
D=90°00'00"

NORTHWEST CORNER OF
J. R. WOODY SURVEY NO. 4
ABSTRACT NO. 2622

TRAVIS AUDUBON SOCIETY INC.
VOL. 10034 PG. 700
(50 ACRES)

CYPRESS CANYON SUBDIVISION
SECTION FOUR
DOC. NO. 200600173

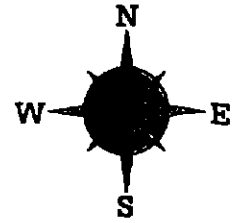
SHEET 2 OF 6

CBD Carlson, Brumace & Doering, Inc.
Civil Engineering • Surveying
2501 West Williams Blvd • Dallas, Texas 75244
PHONE: 214-280-7100 • FAX: 214-280-7105

CYPRESS CANYON, SECTIONS 4 AND 5



THIS PAGE ALSO APPEARS IN THE
MAPSCO WILLIAMSON COUNTY
STREET GUIDE AS PAGE 402.



CONTINUED ON MAP 401

CONTINUED ON MAP 402

CONTINUED ON MAP 403



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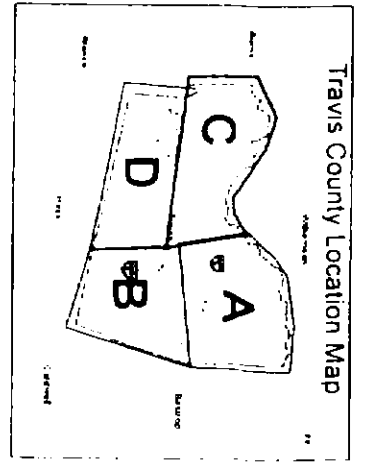


CYPRESS CANYON, SECTIONS 4 AND 5

Site

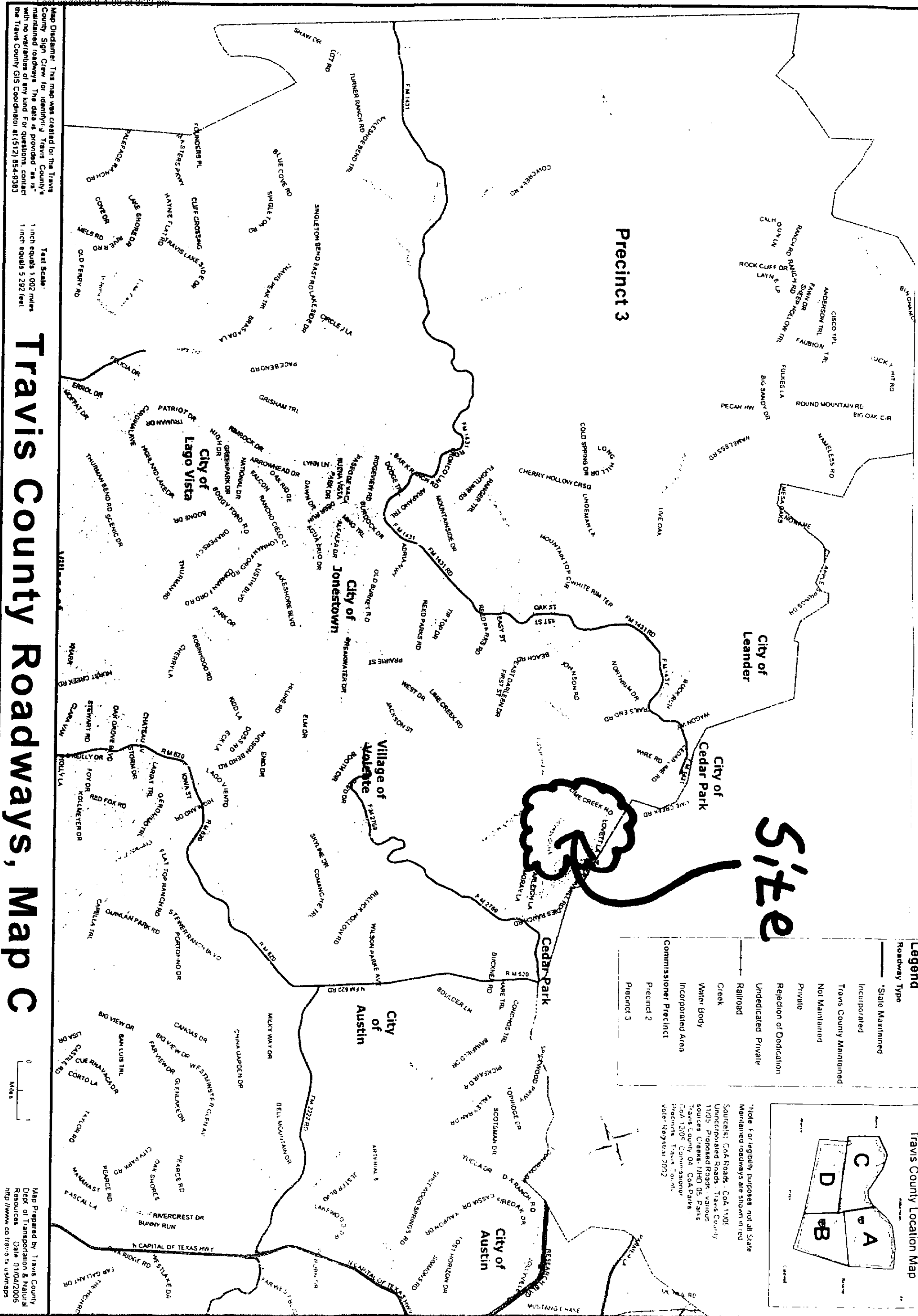
Legend

Roadway Type	Symbol
State Maintained	—
Incorporated	—
Travis County Maintained	—
Not Maintained	—
Private	—
Rejection of Dedication	—
Undedicated Private	—
Railroad	—
Creek	—
Water Body	—
Incorporated Area	—
Commissioner Precinct	—
Precinct 2	—
Precinct 3	—



Note: For legal purposes not all State Maintained roadways are shown in red.

Sources: CoA Roads: CoA 1105; Undedicated Roads: Travis County 1105; Proposed Roads: various sources; Creeks: THD 05; Private: Travis County CoA 04; CoA 04; CoA 1205; Commissioner Precincts: Travis County, Vote Register 2002.



Map Disclaimer: This map was created for the Travis County Sign Crew for identifying Travis County's maintained roadways. The data is provided "as is" with no warranties of any kind. For questions, contact the Travis County GIS Coordinator at (512) 854-3833.

Travis County Roadways, Map C

Map Prepared by: Travis County Dept. of Transportation & Natural Resources
Date: 01/04/2005
http://www.co.tx083.us/trapps



RECEIVED
COUNTY JUDGE'S OFFICE
TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

08 AUG 1 PM 1 41

411 West 13th Street
Executive Office Building
P.O. Box 1748
Austin, Texas 78767
(512) 473-9383
FAX (512) 473-9436

AGENDA ITEM # 26
AUGUST 5, 2008

MEMORANDUM

TO: Members of the Commissioners Court

FROM: Donald W. Ward, P.E., Director Road Maintenance & Fleet Services *DWW*

THROUGH: Joseph P. Gieselman, TNR Executive Manager *J*

DATE: July 30, 2008

SUBJECT: SemGroup, LP (SemMaterials), Asphalt Product Supplier to Travis County
Filing of Bankruptcy, Chapter 11

SemMaterials is under contract to supply asphalt products to Travis County TNR. SemMaterials is one of two vendors that supply this type of material within Central Texas. SemMaterials recently notified Travis County Purchasing of the filing of bankruptcy, Chapter 11, by their parent company SemGroup, LP and further notification of the rationing of its limited product supplies to Travis County.

The effects of this notification could have severe consequences for TNR Road Maintenance operations. SemMaterials is the supplier by contract of numerous asphalt products such as High Float Anionic Emulsions, Rapid Setting Polymer Modified (HFRS-2P), (used in surface treatments/chipseals), Cationic Emulsions, Slow Setting (SS-1) (used in pothole patching, roadway reconstruction and blade & oil operations) and Prime Coat (AEP) (used as a prime coat prior to construction of an HMAC Overlay). By their letter of July 29, 2008, SemMaterials is allocating TNR 43,000 gallons of HFRS-2P, 5,000 gallons of SS-1 and no AEP. TNR will only be able to continue its surface treatment workplan for 2 weeks leaving 28% or approximately 25 miles of the workplan uncompleted. TNR will have 2-3 weeks of operational ability for patching, blade & oil and roadway reconstruction. Lastly, because SemMaterials did not allocate any AEP, the paving for the East Service Center may be delayed.

SemMaterials also supplies the City of Austin Street and Bridge operations. Because of the bankruptcy the City projects that they will be out of asphalt products by August 1, 2008.

SemMaterials also supplies asphalt products for several Hot Mix Asphalt Cement (HMAC) production plants in the Central Texas area, thus TNR's roadway construction contractors may not

be able to obtain HMAC for roadway construction, in addition TNR's Roadway Maintenance may not be able to obtain HMAC for roadway construction or maintenance.

TNR wants you to be aware of this crisis and its effect on the FY 08 Workplan. TNR will ask the County's Purchasing Department for its assistance for an alternate vendor under an expedited purchasing process.

Agenda Item No. 29

TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Work Session _____

Voting Session: August 5, 2008

- I. A. Request made by: **Dana DeBeauvoir, County Clerk**
(Elected Official/Appointed Official/Executive Manager/County Attorney)
- B. Requested Text:

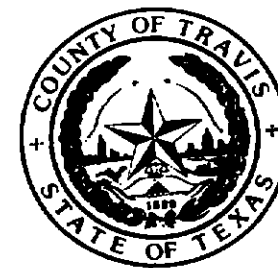
Discuss and take action on items associated with the 2008 Travis County Combined Charities Campaign.

Approved by: _____
Signature of Commissioner or Judge

- II. A. Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies).
SEE ATTACHED
- B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to the County Judge's office in writing by 12:00 on Tuesday for the next week's meeting.

RECEIVED
COUNTY CLERK'S OFFICE
08 JUL 22 AM 10:29



30

**PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS**

RECEIVED
COUNTY JUDGES OFFICE
08 JUL 31 PM 3:22

314 W. 11th Street
P.O. Box 1748
Austin, Texas 78767

July 31, 2008

TO: The Members of Commissioners Court

FROM: Katie Petersen Gipson, Budget Analyst

RE: Additional Back-up Intergovernmental Relations Coordinator Agenda item

Budget

The FY09 Preliminary Budget contains funding for an Intergovernmental Relations Coordinator in the General Administration department. The position is funded at the minimum of pay grade 26 (\$71,084 base salary, \$91,901 total with benefits). In addition there is an earmark on the FY09 Allocated Reserve totaling \$62,203. This earmark represents funding for the following:

- \$25,774 base salary and \$12,409 in benefits for an Administrative Assistant I funded at the minimum of pay grade 11,
- \$10,620 for computers, telephones and a printer for the two positions,
- \$7,400 for an operating budget for the two positions, and
- \$6,000 for furniture.

If the Commissioners Court approves this budget on August 5th the funds will be moved to the appropriate line items in General Administration as a "PBO Change" during budget mark up.

Interim Space and FY08 Funding

PBO has confirmed with TNR that cubicles are available in the interim as space for both the Intergovernmental Relations Coordinator and Administrative Assistant until a permanent location is available. TNR is temporarily holding a slot open in order to pay for these positions should they be hired before the end of the fiscal year. TNR also would provide a computer and telephone for each as well.

Permanent Space

There is no space plan for these two positions in the Preliminary Budget. However they have been included in space options for the Rusk Building. Such options have yet to be presented to Commissioners Court for approval. PBO will assist Facilities Management with funding options in order to find a suitable permanent space for the Intergovernmental Coordinator and their support position.

CC: Rodney Rhoades, PBO, Leroy Nellis, PBO
Belinda Powell, PBO, Alicia Perez, Administrative Operations
Roger El Koury, Facilities Management
Joe Gieselman, TNR , Linda Moore Smith, HRMD



FACILITIES MANAGEMENT DEPARTMENT

Roger A. El Khoury, M.S., P.E., Director

1010 Lavaca, Suite 400 • P.O. Box 1748, Austin, Texas 78767 • Phone: (512) 854-9661 • Fax: (512) 854-9226

ADDITIONAL BACK-UP – AUGUST 5, 2008 ITEM 30.D

MEMORANDUM

FMD Project: RUSK-02-08R-4R

File: 101

TO: Commissioners Court

VIA: Alicia Perez, Executive Manager Administrative Operations

FROM: Roger A. El Khoury, M.S., P.E., Director

DATE: August 4, 2008

SUBJECT: Update from Facilities Management on Recommendations for Permanent Space for Intergovernmental Relations and Administrative Support Positions for FY09

Facilities Management Department (FMD) recommends that the Intergovernmental Relations Position and Administrative Support positions may be permanently located within existing office space on the Granger Building fifth floor, provided that space is vacated either by the Planning and Budget Office / Cash Management (PBO) or by part of the Information and Telecommunications Systems Department (ITS). There are several space options for FY09 under which this could occur:

- Rusk Building Option K2 – FMD moves to Rusk Building and PBO moves to USB 4th floor.
- Rusk Building Option A1 – PBO moves to Rusk Building.
- Rusk Building Option M – BEFIT moves to Rusk Building, and ITS partially moves to lease.

Under any of these scenarios, Intergovernmental Relations staff would use existing office space, which means there would be no renovations or communications cabling or equipment costs. Furniture allowance of \$10,000 is proposed, however, there may be potential for reusing existing furniture, which can be evaluated after it is determined who will move out of the Granger 5th floor. As noted in PBO's memo dated July 31, TNR is providing the telephone instruments and computers. Evaluation of Rusk Building Options, including costs, will be posted separately for Commissioners Court discussion and action.

Copy to:

Christian Smith, Special Assistant to Commissioners Court

Rodney Rhoades, Executive Manager, Planning and Budget Office

Belinda Powell, Capital Planning Coordinator, Planning and Budget Office

Katie Peterson Gipson, Budget Analyst, Planning and Budget Office

Leslie Stricklan, R.A., Senior Project Manager

Todd Floyd, Information and Telecommunications Systems

ORDER APPOINTING PRESIDING ELECTION JUDGES AND ALTERNATE PRESIDING ELECTION JUDGES

WHEREAS, under Section 32.002(a), Texas Election Code, the Travis County Commissioners Court shall at its July term appoint the election judges for each regular county election precinct;

WHEREAS, under Section 32.002(b), Texas Election Code, the election judges so appointed serve for a two-year term, beginning on August 1, 2008;

WHEREAS, under Section 32.002(c), Texas Election Code, the county chair of the political party whose candidate for governor received the highest number of votes in the County in the most recent gubernatorial general election and the county chair of the political party whose candidate for governor received the second highest number of votes in the most recent gubernatorial general election have submitted, in writing, to the Commissioners Court, a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge;

WHEREAS, under Section 32.002(c), Texas Election Code, the Commissioners Court shall appoint as presiding election judge the first person who meets the applicable eligibility requirements and whose name is on the list submitted by the party with the highest number of votes in the precinct in the most recent gubernatorial election, and as alternate presiding election judge, the first person who meets the applicable eligibility requirements and whose name is on the list submitted by the party with the second highest number of votes in the precinct in the most recent gubernatorial election;

WHEREAS, under Section 32.002(c), Texas Election Code, the Commissioners Court may reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements for a presiding election judge; in which case, appointments of presiding election judges and alternate presiding election judges shall be made in accordance with Section 32.002, subsection (d), Texas Election Code;

WHEREAS, under Section 32.051(a), Texas Election Code, to be eligible to serve as a judge of a regular county election precinct, a person must be a qualified voter of the election precinct and satisfy any additional eligibility requirements prescribed by written order of the Commissioners Court;

WHEREAS, under Section 32.052(a), Texas Election Code, a person who holds an elective public office is ineligible to serve as a precinct election judge or clerk;

WHEREAS, under Section 32.053(a), Texas Election Code, a person is ineligible to serve as an election judge or clerk in an election if the person is a candidate for a public office in an election to be held on the same day;

WHEREAS, under Section 32.054(a), Texas Election Code, a person is ineligible to serve as an election judge or clerk in an election if the person is employed by or related within the second degree of consanguinity or affinity, as determined under Chapter 573 of the Texas Government Code, to an opposed candidate for a public office or for the party office of county chair in the election;

WHEREAS, under Section 32.055(a), Texas Election Code, a person is ineligible to serve as an election judge or clerk in an election if the person is the campaign treasurer of a candidate in that election;

WHEREAS, under Section 32.0551(a), Texas Election Code, a person is ineligible to serve as an election judge or clerk in an election if the person is a campaign manager of a candidate in that election; and

WHEREAS, under Section 32.0552(a), Texas Election Code, a person is ineligible to serve as an election judge or clerk in an election if the person has been finally convicted of an offense in connection with conduct directly attributable to an election;

NOW, THEREFORE,

A. The Travis County Commissioners Court hereby appoints for a two-year term, from August 1, 2008 through July 31, 2010, those eligible persons whose names are listed in Exhibit A, attached hereto and hereby incorporated by reference herein, as presiding election judges or as alternate presiding election judges, as designated in Exhibit A, for those regular county election precincts listed in Exhibit A. The persons appointed by this order shall serve in each election ordered by the governor or by a county authority in which the regular county election precincts are required to be used, unless election precincts are consolidated for a special election, in which case election judges for such consolidated precincts shall be appointed by the Commissioners Court from among the judges appointed for the precincts comprising the consolidated precinct.

B. To be eligible for appointment as an election judge or alternate election judge of a regular county election precinct, a person must be a qualified voter of the election precinct except as otherwise provided in Section 32.051 of the Texas Election Code; and, in addition, the person must attend training courses for election judges and clerks conducted by the Travis County Clerk's Office, unless the County Clerk gives an election judge or clerk an excused absence. A person is ineligible to serve as an election judge or clerk: (1) if the person holds an elective public office; (2) in an election if the person is a candidate for a public office in an election to be held on the same day; (3) in an election if the person is employed by an opposed candidate for a public office or for the party office of County Chair in the election; (4) if the person is related within the second degree by consanguinity or affinity, as determined under Chapter 573 of the Government Code, to an opposed candidate for a public office or for the party office of County Chair in the election; (5) in an election if the person is the campaign treasurer of a candidate in that election; (6) in an election if the person is a campaign manager of a candidate in that

election; or (7) if the person has been finally convicted of an offense in connection with conduct directly attributable to an election. The persons listed in Exhibit A have met the eligibility requirements prescribed by law for election judges.

C. By this order, election judges and alternate election judges are appointed for all those county election precincts listed in Exhibit A, attached hereto and incorporated by reference herein.

BE IT SO ORDERED on this, the ____ day of _____, 2008.

Samuel T. Biscoe, County Judge

Ron Davis, Commissioner
Precinct One

Sarah Eckhardt, Commissioner
Precinct Two

Gerald Daugherty, Commissioner
Precinct Three

Margaret Gómez, Commissioner
Precinct Four

EXHIBIT A
2008-2010 TERM APPOINTMENTS

PCT	POSITION	PARTY	FIRST NAME	LAST NAME
101	Presiding Judge	Democratic	Linda	Shaw
101	Alternate Presiding Judge	Republican	Myra	Jackson
105	Presiding Judge	Democratic	Doraluz	Cantu
105	Alternate Presiding Judge	Republican	Matt	Baker
107	Presiding Judge	Republican	Diann	Smith
108	Presiding Judge	Democratic	Eloise	Brooks (Hicks)
109	Presiding Judge	Democratic	Mark	Eastwood
110	Alternate Presiding Judge	Republican	Steven	Sebesta
111	Presiding Judge	Democratic	Eugene	Hildebrandt
113	Alternate Presiding Judge	Republican	Alfred	Rolan
122	Presiding Judge	Democratic	Mary Lynn	Bragner
122	Alternate Presiding Judge	Republican	Verona	Thornton
124	Presiding Judge	Democratic	Grant	Coffman
126	Presiding Judge	Democratic	Sam	Scarpino
126	Alternate Presiding Judge	Republican	Kay	Green De La Rosa
129	Presiding Judge	Democratic	Joyce	Darby
129	Alternate Presiding Judge	Republican	Brent	Johnston
130	Presiding Judge	Democratic	Lois	Dzenowski
130	Alternate Presiding Judge	Republican	James	Randall
132	Presiding Judge	Democratic	Lark	Anthony
132	Alternate Presiding Judge	Republican	Linda	Klemett
133	Presiding Judge	Democratic	Marian	Glass
135	Presiding Judge	Democratic	Donna	Reber
139	Presiding Judge	Democratic	Jill	Demler
139	Alternate Presiding Judge	Republican	Frances	Garner
140	Presiding Judge	Democratic	Janie	Bautista
140	Alternate Presiding Judge	Republican	Elaina	Moor
141	Presiding Judge	Democratic	Annie	Baker
146	Alternate Presiding Judge	Republican	Robert Carl	Tumey
148	Alternate Presiding Judge	Republican	Tyler	Norris
149	Alternate Presiding Judge	Republican	Anson	Chi
150	Alternate Presiding Judge	Republican	Don	Gifford
151	Presiding Judge	Democratic	Margery	Mackey
151	Alternate Presiding Judge	Republican	James	Shive
152	Presiding Judge	Democratic	Amanda	Miller
153	Alternate Presiding Judge	Republican	Donna	Harp
154	Alternate Presiding Judge	Republican	Julius	Dubcak
156	Presiding Judge	Democratic	Jarryl	Curtis
160	Presiding Judge	Democratic	Judy	Hughes
160	Alternate Presiding Judge	Republican	Robert	Smith
163	Alternate Presiding Judge	Republican	Daniel	Biering

200	Presiding Judge	Republican	Davida	Stike
200	Alternate Presiding Judge	Democratic	Shirley	Miles
202	Presiding Judge	Republican	Barbara	Egliht
203	Presiding Judge	Republican	Angela	Walters
203	Alternate Presiding Judge	Democratic	Connie	Brown
206	Presiding Judge	Republican	Kalin	Johnson
208	Presiding Judge	Democratic	Julie	Moore
208	Alternate Presiding Judge	Republican	Jack	Eccles
210	Presiding Judge	Democratic	Rosemarie	Schwarzer
211	Alternate Presiding Judge	Republican	Daniel	McDonald
213	Presiding Judge	Democratic	Bill	Rust
213	Alternate Presiding Judge	Republican	Barbara	Lloyd
214	Presiding Judge	Democratic	Barbara	Hunt
216	Alternate Presiding Judge	Republican	Phil	Pringle
218	Alternate Presiding Judge	Republican	David	Armstrong
219	Alternate Presiding Judge	Republican	Earl	Wellborn
222	Presiding Judge	Democratic	Gil	Ortiz
222	Alternate Presiding Judge	Republican	Annie	Butler
223	Alternate Presiding Judge	Republican	Helen	Hall
224	Presiding Judge	Democratic	Sharon	Robertson
225	Alternate Presiding Judge	Republican	Joe	Pojman
226	Presiding Judge	Republican	Martha	Gay
228	Presiding Judge	Democratic	Bernie	Young
228	Alternate Presiding Judge	Republican	Harrison	Smith
231	Alternate Presiding Judge	Republican	David	Berry
235	Presiding Judge	Democratic	Jacqueline	Bailey
236	Presiding Judge	Democratic	Joseph	Reynolds
237	Presiding Judge	Democratic	Kay	Gaul
238	Presiding Judge	Democratic	Ruth	Epstein
238	Alternate Presiding Judge	Republican	Marica	Manor
239	Presiding Judge	Democratic	Janis	Reinken
239	Alternate Presiding Judge	Republican	Judy	Bomar
241	Alternate Presiding Judge	Republican	David	Wharton
242	Alternate Presiding Judge	Republican	Emily	Johnson
243	Presiding Judge	Democratic	Dora	McDonald
243	Alternate Presiding Judge	Republican	Peggy	Cravens
246	Alternate Presiding Judge	Republican	Ed	Davis
247	Presiding Judge	Democratic	David	Mann
247	Alternate Presiding Judge	Republican	Peggy	Bower
248	Presiding Judge	Democratic	Richard	Wucher
248	Alternate Presiding Judge	Republican	Arturo	Urais
249	Presiding Judge	Democratic	Christa	Rabago
250	Presiding Judge	Democratic	May	Schmidt
253	Alternate Presiding Judge	Republican	Linda	Becker

254	Alternate Presiding Judge	Republican	Ray	Lester
256	Alternate Presiding Judge	Republican	Carla	Crownover
258	Alternate Presiding Judge	Republican	Larry	Thompson
259	Presiding Judge	Democratic	Reuben	Leslie
259	Alternate Presiding Judge	Republican	Lynn	Foster
260	Presiding Judge	Democratic	Orpha	Gips
260	Alternate Presiding Judge	Republican	John	Steinbrecher
262	Presiding Judge	Democratic	Donald	Hauck
263	Presiding Judge	Democratic	Patricia	Ballman
267	Alternate Presiding Judge	Republican	Rocky	Hardie
268	Presiding Judge	Democratic	Roy	Ewing Jr.
268	Alternate Presiding Judge	Republican	Johnny	Long
273	Presiding Judge	Democratic	Anne	Kohler
275	Presiding Judge	Democratic	Douglas	Martin
277	Alternate Presiding Judge	Republican	Stephen	Mason
278	Presiding Judge	Democratic	Alfred	Stanley
279	Alternate Presiding Judge	Republican	Terri	Flow
301	Alternate Presiding Judge	Republican	Sandy	Cox
303	Presiding Judge	Republican	Isabel	Cano
306	Presiding Judge	Republican	Frank	Black
307	Presiding Judge	Democratic	John	Hinton
307	Alternate Presiding Judge	Republican	Judy	Moore
308	Presiding Judge	Republican	Patrick	O'Grady
308	Alternate Presiding Judge	Democratic	Jo Anne	Richmond
310	Presiding Judge	Democratic	George	Pisk
310	Alternate Presiding Judge	Republican	Robert	Beardsley
312	Presiding Judge	Republican	Jerri	Ward
312	Alternate Presiding Judge	Democratic	Doris	Law
314	Alternate Presiding Judge	Democratic	Virginia	Knapp
316	Presiding Judge	Republican	Shirley	Markley
317	Presiding Judge	Democratic	Jim	Hargrove
317	Alternate Presiding Judge	Republican	Peggy	Erback
318	Presiding Judge	Republican	Robert	Batlan
318	Alternate Presiding Judge	Democratic	Emilia	Roel
319	Presiding Judge	Republican	Phil	Walthall
320	Presiding Judge	Republican	Tom	Broyles
320	Alternate Presiding Judge	Democratic	Judy	Donohue
321	Alternate Presiding Judge	Republican	Mark	Edelmon
324	Presiding Judge	Republican	Penny	Tisdale
326	Presiding Judge	Republican	Bruce	Leach
328	Presiding Judge	Democratic	Helen	Garman
328	Alternate Presiding Judge	Republican	Kirk	Overbey
331	Presiding Judge	Democratic	Richard	Rosen
331	Alternate Presiding Judge	Republican	Sharon	Brummett

332	Presiding Judge	Democratic	Richard	Gravois
332	Alternate Presiding Judge	Republican	Ryan (James)	Marquess
334	Presiding Judge	Republican	Randall	Stephens
335	Presiding Judge	Republican	Ernest	Rinehart
335	Alternate Presiding Judge	Democratic	Richard	Cardone
337	Alternate Presiding Judge	Republican	JoAnna	Clardy
342	Presiding Judge	Democratic	Maria	Franco
342	Alternate Presiding Judge	Republican	Gail	Suttle
343	Alternate Presiding Judge	Republican	Colin	LeMahieu
346	Presiding Judge	Republican	Bill	Warmuth
346	Alternate Presiding Judge	Democratic	Liz	Picone
347	Alternate Presiding Judge	Republican	Cherry	Haught
349	Presiding Judge	Democratic	Leonard	Baumel
349	Alternate Presiding Judge	Republican	Michael	McDonald
350	Alternate Presiding Judge	Republican	Paul	Erb
351	Alternate Presiding Judge	Republican	Dave	Reeve
352	Presiding Judge	Democratic	Cynthia	Greenwood
352	Alternate Presiding Judge	Republican	Diane	Lawrence
354	Alternate Presiding Judge	Republican	Carol	Debish
355	Presiding Judge	Democratic	William (Phil)	Hewitt
358	Presiding Judge	Democratic	William	Harris
359	Presiding Judge	Democratic	Sylvia	Fatzer
359	Alternate Presiding Judge	Republican	Russell	Gallahan
360	Presiding Judge	Republican	Ray	Marr
362	Presiding Judge	Democratic	Maria	Jimenez
362	Alternate Presiding Judge	Republican	Holly	Alt
363	Presiding Judge	Democratic	Austin	Phelps
363	Alternate Presiding Judge	Republican	Harold "Mickey"	Bentley
364	Presiding Judge	Democratic	Robert	Meisel
366	Alternate Presiding Judge	Republican	Sam	Laine
367	Presiding Judge	Republican	Joseph	Burwell
367	Alternate Presiding Judge	Democratic	Karen	Collier
371	Presiding Judge	Republican	Ann	Murrow
372	Presiding Judge	Republican	Troy	Hill
373	Presiding Judge	Republican	John	Ulrich
373	Alternate Presiding Judge	Democratic	Katherine	Martin
374	Alternate Presiding Judge	Republican	Hal	Mettes
376	Presiding Judge	Republican	Jeff	Kantoff
377	Presiding Judge	Republican	Julie	Drenner
378	Presiding Judge	Republican	Bryan	Martin
379	Presiding Judge	Republican	Lisa	Mallory
401	Presiding Judge	Democratic	Elizabeth	Cook
401	Alternate Presiding Judge	Republican	Reagan	Dees
402	Alternate Presiding Judge	Republican	Chris	Rogers

406	Alternate Presiding Judge	Democratic	Olivia	Besteiro
409	Presiding Judge	Democratic	Rolando	Pina
410	Presiding Judge	Democratic	Tina	Jackson
413	Alternate Presiding Judge	Republican	Danny	Bennett
420	Presiding Judge	Democratic	David	Albert
420	Alternate Presiding Judge	Republican	Morris	Woods
422	Alternate Presiding Judge	Republican	Helen	Flanagan
421	Presiding Judge	Democratic	Beverly	Donoghue
424	Alternate Presiding Judge	Republican	Paul	Kern
430	Alternate Presiding Judge	Republican	Howard	Hickman
431	Presiding Judge	Democratic	James	Green
433	Presiding Judge	Democratic	Robert	Stewart
437	Presiding Judge	Democratic	Mary	Diaz
437	Alternate Presiding Judge	Republican	Travis	Doss
438	Presiding Judge	Democratic	Sabino	Renteria
438	Alternate Presiding Judge	Republican	Mark	Shackelford
439	Presiding Judge	Democratic	Ellien	Navarro
440	Presiding Judge	Democratic	Ina	Mahnick
441	Presiding Judge	Democratic	Betty	Lewis
441	Alternate Presiding Judge	Republican	Emily	Eggleston
442	Presiding Judge	Democratic	Mel	Landers
444	Alternate Presiding Judge	Republican	Jeffery	Lane
445	Presiding Judge	Democratic	Karen	Dickey
446	Presiding Judge	Democratic	Harley Max	Fisher
446	Alternate Presiding Judge	Republican	Chrissy	Ritter
447	Presiding Judge	Democratic	Steve	Gorski
447	Alternate Presiding Judge	Republican	Michelle	Goheen
448	Alternate Presiding Judge	Republican	Richard	Reeves
451	Alternate Presiding Judge	Republican	Bobby	Freeman
452	Alternate Presiding Judge	Republican	John	Meyers
454	Presiding Judge	Democratic	Ralph	Meier
454	Alternate Presiding Judge	Republican	Nate	Thompson
455	Alternate Presiding Judge	Republican	Bob	Ward
458	Alternate Presiding Judge	Republican	Ben	Lynas
460	Presiding Judge	Democratic	Peggy	Gough
460	Alternate Presiding Judge	Republican	James	Boothe
461	Presiding Judge	Democratic	Dolores	Maybery
461	Alternate Presiding Judge	Republican	Paul	Davis
462	Presiding Judge	Democratic	Pat	Fuszek
462	Alternate Presiding Judge	Republican	Kelton	Dillard

Travis County Commissioners Court Agenda Request

32

Voting Session 8/5/08
(Date)

Work Session _____
(Date)

1. A. Request made by: County Attorney (Tamara Armstrong) Phone # 854-9513

Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

B. Requested Text: Consider and Approve Agreement for Assessment and Collection Services between Travis County and Lost Creek Municipal Utility District

C. Approved by:

Signature of Commissioner(s) or County Judge

II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (Original and eight copies of agenda request and backup).

B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request. Send a copy of this Agenda Request and backup to them:

Nelda Wells-Spears, Tax Assessor/Collector	854-9742
Elliott Beck, Div. Dir., Collections, TCAO	854-9513
Tamara Armstrong, Asst. Co. Atty., TCAO	854-9513
Renea Deckard, Tax Office	854-9632
Tien Dao, Tax Office	854-9269

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any line item budget
- Grant

Human Resources Department (854-9165)

- A change in your department's personnel (reclassification, etc.)

Purchasing Office (854-9700)

- Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 PM on Monday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.

**AGREEMENT FOR ASSESSMENT AND COLLECTION SERVICES
BETWEEN TRAVIS COUNTY AND
LOST CREEK MUNICIPAL UTILITY DISTRICT**

THIS AGREEMENT is made and entered into by and between the County of Travis (hereinafter called "County"), a political subdivision of the State of Texas, the Travis County Attorney, and Lost Creek Municipal Utility District, a local governmental entity, duly organized and existing under the laws of the State of Texas, (hereinafter called "District"), each acting herein by and through its duly authorized officials.

RECITALS

WHEREAS, the parties to this Agreement wish to consolidate the assessment and collection of property taxes into one agency, the Tax Assessor/Collector of Travis County;

WHEREAS, the parties enter into this Agreement in order to eliminate the duplication of the existing system for collection of taxes and to promote governmental efficiency;

WHEREAS, the parties intend that the County, through its Tax Assessor/Collector, assess and collect the ad valorem property taxes owing to District and that the Travis County Attorney represent the District in the enforcement of said taxes; and

WHEREAS, the parties enter into this Agreement pursuant to the authority granted by Sections 6.23, 6.24 and 6.30, TEXAS PROPERTY TAX CODE, and by Chapter 791 of the GOV'T CODE which is known as the Interlocal Cooperation Act.

NOW, THEREFORE, in consideration of the premises and of the terms, provisions, and mutual promises herein contained, the parties hereto mutually agree as follows:

1.0 **PERFORMANCE.** Performance by the County of the assessment and collection of each year's property taxes shall commence not earlier than October 1 of the current tax year and shall be completed not later than September 30 of the following tax year unless the County finds extension to be necessary.

2.0 **SERVICES TO BE PERFORMED**

2.01 Assessment and Collection of Ad Valorem Property Taxes and Delinquent Taxes. The County shall assess and collect the ad valorem property taxes owing to District, with regard to all properties on District's tax roll. The County shall also collect the delinquent taxes owing to District as hereinafter provided in this Agreement, including the enforcement of the collection of said delinquent taxes. With respect to the ad valorem property taxes, including delinquent taxes, which the County collects as specified in this Subsection 2.01, the County further agrees to perform for District all the duties related to the assessment and collection of taxes for District provided by the laws of the State of Texas for the collection of said taxes.

2.02 Performance of Functions and Consolidated Tax Statements. With respect to

the ad valorem property taxes, including delinquent taxes, which the County collects within District, as specified in Subsection 2.01 hereof, the County shall perform all the functions set out in Subsection 12.01 of this Agreement. In connection therewith, the County agrees to prepare consolidated tax statements for each taxpayer. The tax statement shall include taxes owed to all taxing units to which the taxpayer owes taxes, except those units which have not contracted with the County for the Assessment and Collection of taxes. The County shall mail said tax statements to each taxpayer or authorized agent of property within District.

2.03 Tax Assessor/Collector for District. District hereby designates the Tax Assessor/Collector of the County of Travis as its tax assessor and tax collector for all purposes under the Texas Property Tax Code, with respect to the collection of ad valorem taxes on property within District.

2.04 Copy of Tax Roll. The County shall provide the governing body of District with a copy of the tax roll for each year that this Agreement is in effect, with respect to ad valorem property taxes covered by this Agreement.

3.0 PAYMENT

3.01 Amount of Payment. District agrees to pay the County the costs of performing the services specified in this Agreement, as prescribed in this Section 3.0. These costs shall be allocated among District and the other taxing units contracting for assessment and collection services in the same manner so that District and each of the other taxing units pay the same rates approved by the Travis County Commissioners Court.

3.01.01 For the 2008 tax year, District shall pay the rate approved by the Travis County Commissioners Court in 2008, per parcel for all parcels located in District and on District's tax roll; and, for each year thereafter during this Agreement, District shall pay the rate approved by the Travis County Commissioners Court for the tax year in question, per parcel for all parcels located in District and on District's tax roll.

3.01.02 The County shall, by written notice, notify District in subsequent years of this Agreement of the amount that District shall pay to the County for performing tax assessment and collection services pursuant to this Agreement.

3.02 Method of Payment. The County shall withhold from the remittances to District the amount of money necessary to pay for the cost of assessing and collecting current taxes for District, until the amount of payment authorized under Subsection 3.01 above has been received by the County.

3.03 Additional Consideration. For collection of delinquent taxes, County shall recover costs, expenses and fees as provided under Section 5.0 of this Agreement.

4.0 REMITTANCE OF COLLECTION. The taxes collected for District shall be remitted to District daily, after the proper amount of payment authorized under Subsection 3.01 above

and/or taxpayer refunds have been withheld. Taxes collected shall be remitted to District on the day after they are processed and credited by the County Tax Office, but no later than when the taxes collected for the County have been remitted to the County Treasurer.

5.0 DELINQUENT TAXES

5.01 Collection of Delinquent Taxes. Pursuant to Section 6.24 of the Texas Property Tax Code, District hereby authorizes the County, by and through the County's Tax Assessor/Collector, to collect delinquent taxes covered by Subsection 2.01 of this Agreement for District as the County deems necessary. In addition, the District hereby authorizes the County, by and through the County's Tax Assessor/Collector, to waive penalties and interest for the District in delinquent tax cases where the County, by and through the County's Tax Assessor/Collector, determines that Section 33.011 of the Texas Property Tax Code requires or authorizes such waiver as advised by the Travis County Attorney's Office.

5.02 Delinquent Tax Suits.

5.02.01 Pursuant to Section 6.30 of the Texas Property Tax Code, District hereby authorizes the Travis County Attorney's Office to institute delinquent tax suits for the collection of delinquent taxes covered by Subsection 2.01 of this Agreement. All legal services rendered by the Travis County Attorney shall be included as part of the services to be performed under the terms and provisions of this Agreement, for the consideration given by District pursuant to this Agreement, and for the costs, expenses and fees recovered by County under Subsection 5.03 of this Agreement.

5.02.02 If the County chooses to have the Tax Office represented by a private attorney, District hereby agrees that the private attorney selected by the County shall also represent District in delinquent tax cases. District is not directly responsible for compensation of the private attorney selected by the County, although such attorney will receive compensation in accordance with the Texas Property Tax Code for representing District in delinquent tax cases. If District selects an attorney to represent it in delinquent tax cases, other than the County Attorney or a private attorney selected by the County, District shall notify the County in writing of such fact at least thirty (30) days before implementing such decision, in accordance with the Notice provisions set forth in Subsection 13.01 of this Agreement.

5.03 Costs, Expenses and Fees in Delinquent Tax Suits. All legal services rendered by the Travis County Attorney shall be included as part of the services to be performed under the terms and provisions of this Agreement, for the consideration given by District pursuant to this Agreement, and for the costs, expenses and fees recovered by County under this Subsection 5.03 of this Agreement. Pursuant to Section 33.48 of the Texas Property Tax Code, the County, in collecting delinquent taxes for District, may recover, in addition to other costs authorized by law, the following costs, expenses, and fees in a suit to collect a delinquent tax:

5.03.01 All usual court costs, including the cost of serving process;

5.03.02 Costs of filing for record a notice of lis pendens against property;

5.03.03 Expenses of foreclosure sale;

5.03.04 Reasonable expenses that are incurred by the taxing unit in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of property on which a delinquent tax is due;

5.03.05 Attorney's fees in the amount of fifteen percent (15%) of the total amount of taxes, penalties, and interest due District; and

5.03.06 Reasonable attorney ad litem fees approved by the Court that are incurred in a suit in which the Court orders the appointment of an attorney to represent the interests of a defendant served with process by means of citation by publication or posting.

The costs, expenses, and fees recovered by the County pursuant to Section 33.48 of the Texas Property Tax Code shall be payment to the County for the County's collection of delinquent taxes for District under Subsection 2.01 of this Agreement; provided, however, pursuant to Sections 33.71, 33.72 and 33.73 of the Texas Property Tax Code, the County, for collecting delinquent taxes for District under Subsection 2.01 of this Agreement, may also recover the reasonable costs of a tax master for any tax suits instituted by the County pursuant to this Agreement.

6.0 ADMINISTRATIVE PROVISIONS

6.01 Books and Records. All expenses incurred by the County for the assessment and collection of taxes hereunder shall be clearly kept on the books and records of the County. District or its designated representatives, upon written request submitted to the Travis County Tax Assessor/Collector, are authorized to examine the books and records to be kept by the County at such reasonable times and intervals as District deems fit. Such books and records will be kept in the office of the Travis County Tax Assessor/Collector.

6.02 Surety Bond. If District requires the County to obtain a surety bond for the Tax Assessor/Collector acting in her capacity as assessor/collector for District as provided herein, District agrees to pay the premium for such bond.

6.03 Change in Tax Rate. In case District's tax rate is rolled back or otherwise changed after the County begins collections for District in any given year, the County will continue to act for District in providing refunds to taxpayers or sending corrected billing statements only if District assumes all additional costs of collection arising from such rollback or other change in the tax rate. These costs shall be the actual costs of providing those extra services required by the rollback or other change in the tax rate, and such costs shall be withheld in the same manner as provided in Subsection 3.02 of this Agreement.

7.0 GENERAL PROVISIONS

7.01 Books and Records Held by District. District agrees to transfer to the possession and control of the County, without charge, copies of all books and records necessary for the performance of the duties and responsibilities of the County pursuant to this Agreement. These books and records shall include all tax records, including existing tax rolls or other records available to District.

7.02 Limit on Liability. The County shall not be liable to District for any failure to collect taxes under this Agreement; nor shall the County Tax Assessor/Collector be liable to District for any failure to collect taxes, unless the Tax Assessor/Collector's failure to collect taxes results from her failure to perform the duties imposed upon the Tax Assessor/Collector by law and by this Agreement; provided, however, the Tax Assessor/Collector shall not be liable to District for any failure to collect taxes where her failure to perform duties imposed by law and by this Agreement arises out of circumstances beyond her control.

7.03 Current Revenue Funds. Payments by the parties for services under this Agreement shall be made from current revenues available to the parties.

7.04 Agreement Voidable. For each year during the term of this Agreement, if District has not established the tax rate as required by law for District and notified the Tax Assessor/Collector accordingly within sixty (60) days after the Central Appraisal District Appraisal Review Board has certified to District the assessed values on the property in District, or by September 30, whichever is later, this Agreement becomes voidable by action of the County at the County's option. In the event this Agreement becomes voidable by action of the County, the County may, at its option, declare this Agreement null and void by giving written notice from the Tax Assessor/Collector to District, in accordance with the notice provisions set forth in Subsection 13.01 of this Agreement.

7.05 Authorized Refunds. Authorized refunds to property owners will be made so that each property owner receiving refunds will receive a single check covering all refunds for all taxing units contracting for assessment and collection services. Refunds may become necessary because of changes which include, but are not limited to, late exemption claims, clerical errors, overpayment, etc. Refunds from District to the property owners within District shall be deducted from the collections and withheld from District in the same manner as provided in Subsection 3.02 of this Agreement; or, if no collections are available, such refunds shall be remitted by District to the County within seven (7) days of notification of such sums due.

8.0 **SOVEREIGN IMMUNITY.** It is expressly understood and agreed that, in the execution of this Agreement, neither the County nor District waives or shall be deemed hereby to waive any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

9.0 TERMINATION.

9.01 Termination of Agreement. Unless the County declares this Agreement null and void pursuant to Subsection 7.04 of this Agreement, this Agreement shall continue in full force and effect from year to year until such time as either party to this Agreement, by written notice to the other party under Subsection 13.01 hereof, terminates this Agreement, such termination to be effective only if notice is given to the other party on or before July 1 of the year in which the party intends this Agreement to terminate, and, only if, notice is given at least thirty (30) days prior to the effective date of termination. Provided, however, the District may, at its option, declare this Agreement null and void by giving written notice from the District to the Tax Assessor/Collector, in accordance with the Notice provisions set forth in Subsection 13.01 hereof, in the event the County chooses to have the Tax Office represented by a private attorney and, the District does not agree with the County's choice. If this Agreement is terminated by either party, as authorized under this Agreement, this Agreement shall terminate in its entirety, except as otherwise expressly provided in Subsection 9.02 hereof.

9.02 Pending Cases. In the event this Agreement is terminated by either party for any reason, the County reserves the right to continue to handle pending cases for the collection of delinquent taxes on properties located in the District, for a six (6) month period following the effective date of termination. As used in this Subsection 9.02, "Pending Cases" are cases where the District is the taxing unit and include the following:

9.02.01 - Each case for which the County has sent a demand letter to the delinquent taxpayer;

9.02.02 - Each delinquent tax suit filed in court or intervened in court by County; or

9.02.03 - Each case in which the County and the delinquent taxpayer have agreed that the delinquent taxpayer will pay the delinquent tax in partial payments over a specified period of time.

9.03 Transfer. Upon the expiration of the six (6) month period specified in Subsection 9.02 above, the County will transfer all remaining, pending cases to the District's new legal representative, and upon such transfer, this Agreement shall terminate in its entirety.

10.0 AMENDMENTS. Any amendments, alterations, deletions or waiver of the provisions of this Agreement shall be valid only when expressed in writing and agreed to by official action of the governing bodies of both parties, and will be effective only if they do not adversely affect the prompt fulfillment of contract obligations. However, in the performance of services under this Agreement, the County, the County Tax Assessor/Collector, and/or the County Attorney's Office may institute changes, as required or authorized by applicable law.

11.0 REGULATIONS AND LAWS. This Agreement shall be governed, interpreted, construed and enforced in accordance with all applicable laws of the United States of America and all applicable laws of the State of Texas, (statutory law, case law, rules and regulations), including but not limited to the provisions of the Texas Property Tax Code, including amendments to such applicable laws.

12.0 DEFINITIONS

12.01 Assessment and Collection. For purposes of this Agreement, the terms "assessment" and "collection" shall include the following: 12.01.01 Calculation of tax; 12.01.02 Preparation of tax rolls; 12.01.03 Proration of taxes; 12.01.04 Correction of clerical errors in tax rolls; 12.01.05 Collection of tax liabilities; and 12.01.06 Issuance of refunds and calculation of an effective tax rate as required by Section 26.04 of the Texas Property Tax Code for the years covered by this Agreement. The term "assessment" shall not include those functions defined as "appraisal" by the Texas Property Tax Code.

12.02 Current Taxes. For purposes of this Agreement, the term "current taxes" shall include only those taxes legally due and payable without penalty and interest.

12.03 Delinquent Taxes. For purposes of this Agreement, the term "delinquent taxes" shall include any taxes which have not been received by the County on or before January 31st of any given tax year and on which penalty and interest are due.

12.04 Tax Year. For purposes of this Agreement, the term "tax year" refers to the twelve (12) month period which runs from October 1 of one year through September 30 of the following year.

13.0 MISCELLANEOUS PROVISIONS

13.01 Notice. Except as otherwise provided in this Agreement, all notice required or permitted under this Agreement shall be in writing and shall be hand delivered or sent by certified or registered mail, postage prepaid, return receipt required. For purposes of sending notice under this Agreement, the address of the County is: Honorable Nelda Wells-Spears (or her successor in office), Travis County Tax Assessor/Collector, 5501 Airport Boulevard, Austin, Texas 78751. For purposes of sending notice under this Agreement, the address of the District is: Lost Creek Municipal Utility District, c/o Anthony S. Corbett, Freeman & Corbett, 8500 Bluffstone Cove, Suite B-104, Austin, Texas 78759. Either party may change its address by giving written notice as provided in this Subsection 13.01 or by notifying the District and all other entities by a general mass mail-out. In the case of notice sent by registered or certified mail, notice shall be deemed effective three days after deposit in a United States mailbox or a United States post office. In the case of notice made by hand delivery, notice shall be deemed effective immediately. This Section shall not preclude the County Tax Assessor/Collector from providing the District and all other entities general notice concerning the Tax Assessment and Collection Agreements or any related matter through general mass mail-outs by regular mail.

13.02 Parties Bound. This Agreement shall be binding upon the parties hereto and their executors, heirs, legal representatives, successors and assigns.

13.03 Copies. This Agreement is executed in multiple copies, any one of which is a true copy hereof, having the same evidentiary value.

13.04 Integration. It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all prior agreements and negotiations, either written or oral, between the parties relating to the subject matter hereof.

13.05 Severability. The provisions of this Agreement are severable. If any paragraph, section, subsection, sentence, clause, or phrase of this Agreement is held by a court of competent jurisdiction, for any reason, to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Agreement; provided, however, upon the occurrence of such event, either party may terminate this Agreement forthwith upon providing written notice of termination to the other party in accordance with Subsections 9.0 and 13.01 of this Agreement.

13.06 Venue. All obligations and undertakings pursuant to this Agreement are fully performable in Travis County, Texas. Venue for any dispute arising out of this Agreement will lie in the courts of appropriate jurisdiction of Travis County, Texas exclusively.

13.07 Effective Date. This Agreement shall take effect on the date this Agreement is approved by the Travis County Commissioners Court.

13.08 Titles, Headings and Subheadings. The titles, headings and subheadings set forth in this Agreement are intended for the convenience of the parties hereto and are not intended for use in the construction or interpretation of the provisions contained herein.

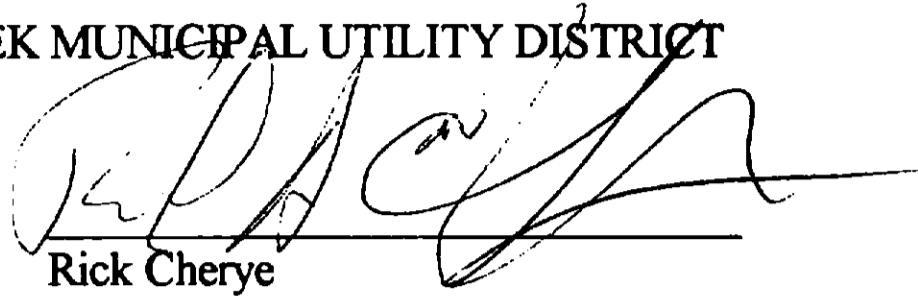
13.09 Gender and Number. As used in this Agreement, unless the context indicates otherwise, a masculine, feminine, or neuter gender shall each be deemed to include the other, and the singular or plural number shall each be deemed to include the other.

13.10 Instruments. Each party hereto agrees that it will execute, in a timely manner, all instruments and documents needed for implementation of the terms, conditions, and provisions of this Agreement or needed for the other party's performance of its duties and responsibilities hereunder.

EXECUTED in triplicate by the County of Travis and by the Lost Creek Municipal Utility District, on this, the _____ day of _____, 2008.

LOST CREEK MUNICIPAL UTILITY DISTRICT

By:

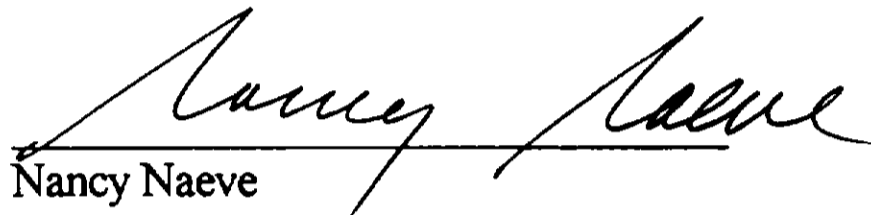


Rick Cherye
President

Date:

7-22-08

By:



Nancy Naeve
Secretary

Date:

7-22-08

TRAVIS COUNTY, TEXAS

By:

Honorable Samuel T. Biscoe
Travis County Judge

Date:

By:

J. Elliott Beck
Assistant County Attorney

Date:

For: David Escamilla
Travis County Attorney

33

Travis County Commissioners Court Agenda Request

Voting Session 8/5/08
(Date)

Work Session _____
(Date)

1. A. Request made by: County Attorney (Tamara Armstrong) Phone # 854-9513

Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

B. Requested Text: Consider and Approve Agreement for Assessment and Collection Services between Travis County and Travis County Municipal Utility District No. 16.

C. Approved by:

Signature of Commissioner(s) or County Judge

II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (Original and eight copies of agenda request and backup).

B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request. Send a copy of this Agenda Request and backup to them:

Nelda Wells-Spears, Tax Assessor/Collector	854-9742
Elliott Beck, Div. Dir., Collections, TCAO	854-9513
Tamara Armstrong, Asst. Co. Atty., TCAO	854-9513
Renea Deckard, Tax Office	854-9632
Tien Dao, Tax Office	854-9269

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any line item budget
- Grant

Human Resources Department (854-9165)

- A change in your department's personnel (reclassification, etc.)

Purchasing Office (854-9700)

- Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 PM on Monday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.

**AGREEMENT FOR ASSESSMENT AND COLLECTION SERVICES
BETWEEN TRAVIS COUNTY AND
TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16**

THIS AGREEMENT is made and entered into by and between the County of Travis (hereinafter called "County"), a political subdivision of the State of Texas, the Travis County Attorney, and Travis County Municipal Utility District No. 16, a local governmental entity, duly organized and existing under the laws of the State of Texas, (hereinafter called "District"), each acting herein by and through its duly authorized officials.

RECITALS

WHEREAS, the parties to this Agreement wish to consolidate the assessment and collection of property taxes into one agency, the Tax Assessor/Collector of Travis County;

WHEREAS, the parties enter into this Agreement in order to eliminate the duplication of the existing system for collection of taxes and to promote governmental efficiency;

WHEREAS, the parties intend that the County, through its Tax Assessor/Collector, assess and collect the ad valorem property taxes owing to District and that the Travis County Attorney represent the District in the enforcement of said taxes; and

WHEREAS, the parties enter into this Agreement pursuant to the authority granted by Sections 6.23, 6.24 and 6.30, TEXAS PROPERTY TAX CODE, and by Chapter 791 of the GOVT CODE which is known as the Interlocal Cooperation Act.

NOW, THEREFORE, in consideration of the premises and of the terms, provisions, and mutual promises herein contained, the parties hereto mutually agree as follows:

1.0 **PERFORMANCE.** Performance by the County of the assessment and collection of each year's property taxes shall commence not earlier than October 1 of the current tax year and shall be completed not later than September 30 of the following tax year unless the County finds extension to be necessary.

2.0 **SERVICES TO BE PERFORMED**

2.01 Assessment and Collection of Ad Valorem Property Taxes and Delinquent Taxes. The County shall assess and collect the ad valorem property taxes owing to District, with regard to all properties on District's tax roll. The County shall also collect the delinquent taxes owing to District as hereinafter provided in this Agreement, including the enforcement of the collection of said delinquent taxes. With respect to the ad valorem property taxes, including delinquent taxes, which the County collects as specified in this Subsection 2.01, the County further agrees to perform for District all the duties related to the assessment and collection of taxes for District provided by the laws of the State of Texas for the collection of said taxes.

2.02 Performance of Functions and Consolidated Tax Statements. With respect to

the ad valorem property taxes, including delinquent taxes, which the County collects within District, as specified in Subsection 2.01 hereof, the County shall perform all the functions set out in Subsection 12.01 of this Agreement. In connection therewith, the County agrees to prepare consolidated tax statements for each taxpayer. The tax statement shall include taxes owed to all taxing units to which the taxpayer owes taxes, except those units which have not contracted with the County for the Assessment and Collection of taxes. The County shall mail said tax statements to each taxpayer or authorized agent of property within District.

2.03 Tax Assessor/Collector for District. District hereby designates the Tax Assessor/Collector of the County of Travis as its tax assessor and tax collector for all purposes under the Texas Property Tax Code, with respect to the collection of ad valorem taxes on property within District.

2.04 Copy of Tax Roll. The County shall provide the governing body of District with a copy of the tax roll for each year that this Agreement is in effect, with respect to ad valorem property taxes covered by this Agreement.

3.0 PAYMENT

3.01 Amount of Payment. District agrees to pay the County the costs of performing the services specified in this Agreement, as prescribed in this Section 3.0. These costs shall be allocated among District and the other taxing units contracting for assessment and collection services in the same manner so that District and each of the other taxing units pay the same rates approved by the Travis County Commissioners Court.

3.01.01 For the 2008 tax year, District shall pay the rate approved by the Travis County Commissioners Court in 2008, per parcel for all parcels located in District and on District's tax roll; and, for each year thereafter during this Agreement, District shall pay the rate approved by the Travis County Commissioners Court for the tax year in question, per parcel for all parcels located in District and on District's tax roll.

3.01.02 The County shall, by written notice, notify District in subsequent years of this Agreement of the amount that District shall pay to the County for performing tax assessment and collection services pursuant to this Agreement.

3.02 Method of Payment. The County shall withhold from the remittances to District the amount of money necessary to pay for the cost of assessing and collecting current taxes for District, until the amount of payment authorized under Subsection 3.01 above has been received by the County.

3.03 Additional Consideration. For collection of delinquent taxes, County shall recover costs, expenses and fees as provided under Section 5.0 of this Agreement.

4.0 REMITTANCE OF COLLECTION. The taxes collected for District shall be remitted to District daily, after the proper amount of payment authorized under Subsection 3.01 above

and/or taxpayer refunds have been withheld. Taxes collected shall be remitted to District on the day after they are processed and credited by the County Tax Office, but no later than when the taxes collected for the County have been remitted to the County Treasurer.

5.0 DELINQUENT TAXES

5.01 Collection of Delinquent Taxes. Pursuant to Section 6.24 of the Texas Property Tax Code, District hereby authorizes the County, by and through the County's Tax Assessor/Collector, to collect delinquent taxes covered by Subsection 2.01 of this Agreement for District as the County deems necessary. In addition, the District hereby authorizes the County, by and through the County's Tax Assessor/Collector, to waive penalties and interest for the District in delinquent tax cases where the County, by and through the County's Tax Assessor/Collector, determines that Section 33.011 of the Texas Property Tax Code requires or authorizes such waiver as advised by the Travis County Attorney's Office.

5.02 Delinquent Tax Suits.

5.02.01 Pursuant to Section 6.30 of the Texas Property Tax Code, District hereby authorizes the Travis County Attorney's Office to institute delinquent tax suits for the collection of delinquent taxes covered by Subsection 2.01 of this Agreement. All legal services rendered by the Travis County Attorney shall be included as part of the services to be performed under the terms and provisions of this Agreement, for the consideration given by District pursuant to this Agreement, and for the costs, expenses and fees recovered by County under Subsection 5.03 of this Agreement.

5.02.02 If the County chooses to have the Tax Office represented by a private attorney, District hereby agrees that the private attorney selected by the County shall also represent District in delinquent tax cases. District is not directly responsible for compensation of the private attorney selected by the County, although such attorney will receive compensation in accordance with the Texas Property Tax Code for representing District in delinquent tax cases. If District selects an attorney to represent it in delinquent tax cases, other than the County Attorney or a private attorney selected by the County, District shall notify the County in writing of such fact at least thirty (30) days before implementing such decision, in accordance with the Notice provisions set forth in Subsection 13.01 of this Agreement.

5.03 Costs, Expenses and Fees in Delinquent Tax Suits. All legal services rendered by the Travis County Attorney shall be included as part of the services to be performed under the terms and provisions of this Agreement, for the consideration given by District pursuant to this Agreement, and for the costs, expenses and fees recovered by County under this Subsection 5.03 of this Agreement. Pursuant to Section 33.48 of the Texas Property Tax Code, the County, in collecting delinquent taxes for District, may recover, in addition to other costs authorized by law, the following costs, expenses, and fees in a suit to collect a delinquent tax:

5.03.01 All usual court costs, including the cost of serving process;

5.03.02 Costs of filing for record a notice of lis pendens against property;

5.03.03 Expenses of foreclosure sale;

5.03.04 Reasonable expenses that are incurred by the taxing unit in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of property on which a delinquent tax is due;

5.03.05 Attorney's fees in the amount of fifteen percent (15%) of the total amount of taxes, penalties, and interest due District; and

5.03.06 Reasonable attorney ad litem fees approved by the Court that are incurred in a suit in which the Court orders the appointment of an attorney to represent the interests of a defendant served with process by means of citation by publication or posting.

The costs, expenses, and fees recovered by the County pursuant to Section 33.48 of the Texas Property Tax Code shall be payment to the County for the County's collection of delinquent taxes for District under Subsection 2.01 of this Agreement; provided, however, pursuant to Sections 33.71, 33.72 and 33.73 of the Texas Property Tax Code, the County, for collecting delinquent taxes for District under Subsection 2.01 of this Agreement, may also recover the reasonable costs of a tax master for any tax suits instituted by the County pursuant to this Agreement.

6.0 ADMINISTRATIVE PROVISIONS

6.01 Books and Records. All expenses incurred by the County for the assessment and collection of taxes hereunder shall be clearly kept on the books and records of the County. District or its designated representatives, upon written request submitted to the Travis County Tax Assessor/Collector, are authorized to examine the books and records to be kept by the County at such reasonable times and intervals as District deems fit. Such books and records will be kept in the office of the Travis County Tax Assessor/Collector.

6.02 Surety Bond. If District requires the County to obtain a surety bond for the Tax Assessor/Collector acting in her capacity as assessor/collector for District as provided herein, District agrees to pay the premium for such bond.

6.03 Change in Tax Rate. In case District's tax rate is rolled back or otherwise changed after the County begins collections for District in any given year, the County will continue to act for District in providing refunds to taxpayers or sending corrected billing statements only if District assumes all additional costs of collection arising from such rollback or other change in the tax rate. These costs shall be the actual costs of providing those extra services required by the rollback or other change in the tax rate, and such costs shall be withheld in the same manner as provided in Subsection 3.02 of this Agreement.

7.0 GENERAL PROVISIONS

7.01 Books and Records Held by District. District agrees to transfer to the possession and control of the County, without charge, copies of all books and records necessary for the performance of the duties and responsibilities of the County pursuant to this Agreement. These books and records shall include all tax records, including existing tax rolls or other records available to District.

7.02 Limit on Liability. The County shall not be liable to District for any failure to collect taxes under this Agreement; nor shall the County Tax Assessor/Collector be liable to District for any failure to collect taxes, unless the Tax Assessor/Collector's failure to collect taxes results from her failure to perform the duties imposed upon the Tax Assessor/Collector by law and by this Agreement; provided, however, the Tax Assessor/Collector shall not be liable to District for any failure to collect taxes where her failure to perform duties imposed by law and by this Agreement arises out of circumstances beyond her control.

7.03 Current Revenue Funds. Payments by the parties for services under this Agreement shall be made from current revenues available to the parties.

7.04 Agreement Voidable. For each year during the term of this Agreement, if District has not established the tax rate as required by law for District and notified the Tax Assessor/Collector accordingly within sixty (60) days after the Central Appraisal District Appraisal Review Board has certified to District the assessed values on the property in District, or by September 30, whichever is later, this Agreement becomes voidable by action of the County at the County's option. In the event this Agreement becomes voidable by action of the County, the County may, at its option, declare this Agreement null and void by giving written notice from the Tax Assessor/Collector to District, in accordance with the notice provisions set forth in Subsection 13.01 of this Agreement.

7.05 Authorized Refunds. Authorized refunds to property owners will be made so that each property owner receiving refunds will receive a single check covering all refunds for all taxing units contracting for assessment and collection services. Refunds may become necessary because of changes which include, but are not limited to, late exemption claims, clerical errors, overpayment, etc. Refunds from District to the property owners within District shall be deducted from the collections and withheld from District in the same manner as provided in Subsection 3.02 of this Agreement; or, if no collections are available, such refunds shall be remitted by District to the County within seven (7) days of notification of such sums due.

8.0 **SOVEREIGN IMMUNITY.** It is expressly understood and agreed that, in the execution of this Agreement, neither the County nor District waives or shall be deemed hereby to waive any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

9.0 TERMINATION.

9.01 Termination of Agreement. Unless the County declares this Agreement null and void pursuant to Subsection 7.04 of this Agreement, this Agreement shall continue in full force and effect from year to year until such time as either party to this Agreement, by written notice to the other party under Subsection 13.01 hereof, terminates this Agreement, such termination to be effective only if notice is given to the other party on or before July 1 of the year in which the party intends this Agreement to terminate, and, only if, notice is given at least thirty (30) days prior to the effective date of termination. Provided, however, the District may, at its option, declare this Agreement null and void by giving written notice from the District to the Tax Assessor/Collector, in accordance with the Notice provisions set forth in Subsection 13.01 hereof, in the event the County chooses to have the Tax Office represented by a private attorney and, the District does not agree with the County's choice. If this Agreement is terminated by either party, as authorized under this Agreement, this Agreement shall terminate in its entirety, except as otherwise expressly provided in Subsection 9.02 hereof.

9.02 Pending Cases. In the event this Agreement is terminated by either party for any reason, the County reserves the right to continue to handle pending cases for the collection of delinquent taxes on properties located in the District, for a six (6) month period following the effective date of termination. As used in this Subsection 9.02, "Pending Cases" are cases where the District is the taxing unit and include the following:

9.02.01 - Each case for which the County has sent a demand letter to the delinquent taxpayer;

9.02.02 - Each delinquent tax suit filed in court or intervened in court by County; or

9.02.03 - Each case in which the County and the delinquent taxpayer have agreed that the delinquent taxpayer will pay the delinquent tax in partial payments over a specified period of time.

9.03 Transfer. Upon the expiration of the six (6) month period specified in Subsection 9.02 above, the County will transfer all remaining, pending cases to the District's new legal representative, and upon such transfer, this Agreement shall terminate in its entirety.

10.0 AMENDMENTS. Any amendments, alterations, deletions or waiver of the provisions of this Agreement shall be valid only when expressed in writing and agreed to by official action of the governing bodies of both parties, and will be effective only if they do not adversely affect the prompt fulfillment of contract obligations. However, in the performance of services under this Agreement, the County, the County Tax Assessor/Collector, and/or the County Attorney's Office may institute changes, as required or authorized by applicable law.

11.0 REGULATIONS AND LAWS. This Agreement shall be governed, interpreted, construed and enforced in accordance with all applicable laws of the United States of America and all applicable laws of the State of Texas, (statutory law, case law, rules and regulations), including but not limited to the provisions of the Texas Property Tax Code, including amendments to such applicable laws.

12.0 DEFINITIONS

12.01 Assessment and Collection. For purposes of this Agreement, the terms "assessment" and "collection" shall include the following: 12.01.01 Calculation of tax; 12.01.02 Preparation of tax rolls; 12.01.03 Proration of taxes; 12.01.04 Correction of clerical errors in tax rolls; 12.01.05 Collection of tax liabilities; and 12.01.06 Issuance of refunds and calculation of an effective tax rate as required by Section 26.04 of the Texas Property Tax Code for the years covered by this Agreement. The term "assessment" shall not include those functions defined as "appraisal" by the Texas Property Tax Code.

12.02 Current Taxes. For purposes of this Agreement, the term "current taxes" shall include only those taxes legally due and payable without penalty and interest.

12.03 Delinquent Taxes. For purposes of this Agreement, the term "delinquent taxes" shall include any taxes which have not been received by the County on or before January 31st of any given tax year and on which penalty and interest are due.

12.04 Tax Year. For purposes of this Agreement, the term "tax year" refers to the twelve (12) month period which runs from October 1 of one year through September 30 of the following year.

13.0 MISCELLANEOUS PROVISIONS

13.01 Notice. Except as otherwise provided in this Agreement, all notice required or permitted under this Agreement shall be in writing and shall be hand delivered or sent by certified or registered mail, postage prepaid, return receipt required. For purposes of sending notice under this Agreement, the address of the County is: Honorable Nelda Wells-Spears (or her successor in office), Travis County Tax Assessor/Collector, 5501 Airport Boulevard, Austin, Texas 78751. For purposes of sending notice under this Agreement, the address of the District is: Travis County Municipal Utility District No. 16, c/o Armbrust & Brown, LLP, 100 Congress Avenue, Suite 1300, Austin, Texas 78701. Either party may change its address by giving written notice as provided in this Subsection 13.01 or by notifying the District and all other entities by a general mass mail-out. In the case of notice sent by registered or certified mail, notice shall be deemed effective three days after deposit in a United States mailbox or a United States post office. In the case of notice made by hand delivery, notice shall be deemed effective immediately. This Section shall not preclude the County Tax Assessor/Collector from providing the District and all other entities general notice concerning the Tax Assessment and Collection Agreements or any related matter through general mass mail-outs by regular mail.

13.02 Parties Bound. This Agreement shall be binding upon the parties hereto and their executors, heirs, legal representatives, successors and assigns.

13.03 Copies. This Agreement is executed in multiple copies, any one of which is a true copy hereof, having the same evidentiary value.

13.04 Integration. It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all prior agreements and negotiations, either written or oral, between the parties relating to the subject matter hereof.

13.05 Severability. The provisions of this Agreement are severable. If any paragraph, section, subsection, sentence, clause, or phrase of this Agreement is held by a court of competent jurisdiction, for any reason, to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Agreement; provided, however, upon the occurrence of such event, either party may terminate this Agreement forthwith upon providing written notice of termination to the other party in accordance with Subsections 9.0 and 13.01 of this Agreement.

13.06 Venue. All obligations and undertakings pursuant to this Agreement are fully performable in Travis County, Texas. Venue for any dispute arising out of this Agreement will lie in the courts of appropriate jurisdiction of Travis County, Texas exclusively.

13.07 Effective Date. This Agreement shall take effect on the date this Agreement is approved by the Travis County Commissioners Court.

13.08 Titles, Headings and Subheadings. The titles, headings and subheadings set forth in this Agreement are intended for the convenience of the parties hereto and are not intended for use in the construction or interpretation of the provisions contained herein.

13.09 Gender and Number. As used in this Agreement, unless the context indicates otherwise, a masculine, feminine, or neuter gender shall each be deemed to include the other, and the singular or plural number shall each be deemed to include the other.

13.10 Instruments. Each party hereto agrees that it will execute, in a timely manner, all instruments and documents needed for implementation of the terms, conditions, and provisions of this Agreement or needed for the other party's performance of its duties and responsibilities hereunder.

EXECUTED in triplicate by the County of Travis and by the Travis County Municipal Utility District No. 16, on this, the 17 day of July, 2008.

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 16

By: Andrew Miller
Andrew Miller
President

Date:

By: Bobbie Beal
Bobbie Beal
Secretary

Date: 7-17-08

TRAVIS COUNTY, TEXAS

By:
Honorable Samuel T. Biscoe
Travis County Judge

Date: _____

By:
J. Elliott Beck
Assistant County Attorney

Date:
For: David Escamilla
Travis County Attorney

34

RECEIVED
COUNTY JUDGE'S OFFICE
08 #11 25 PM 4:42
Item #

TRAVIS COUNTY COMMISSIONERS COURT AGENDA REQUEST

Please consider the following item for **VOTING SESSION: August 5, 2008**

A. REQUEST MADE BY: Sheriff Greg Hamilton
(Elected/Appointed Official/Executive Mgr/County Attorney)

REQUESTED TEXT:

Consider and take appropriate action regarding the use a release entitled "Relase of Liability and Use of Image Agreement in Connection with Disseminating runaway and Missing children's Information by the Travis County Sheriff's Office"

COUNTY JUDGE OR COMMISSIONER

- A. Any backup material to be presented to the Court must be submitted with this Agenda Request (Original(s) & 8 copies).**
- B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. The originating department should send a copy of this Agenda Request and backup to them:**

Daniel Bradford, Travis County Attorney's Office

REQUIRED AUTHORIZATIONS: PLEASE CHECK IF APPLICABLE:

- Additional funding for any department or for any purpose**
- Transfer of existing funds within or between any line item budget**
- Grant**

PURCHASING OFFICE (854-9700)

Bid, Purchase Contract, Request for Proposals

COUNTY ATTORNEY'S OFFICE (854-9415)

Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to County Judge's office, Room 520, in writing by Tuesday at 12:00 p.m. for the next week's meeting. Late or incomplete requests may be deferred to the following week's meeting.

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

RELEASE OF LIABILITY AND USE OF IMAGE AGREEMENT IN CONNECTION WITH DISSEMINATING RUNAWAY AND MISSING CHILDREN'S INFORMATION BY THE TRAVIS COUNTY SHERIFF'S OFFICE

By the terms of this agreement, you, as the guardian or parent of the child, are permitting the Travis County Sheriff's Office to use your child's name, likeness, image, voice and biographical information that you have provided in material on missing and runaway children, which is to be distributed to media outlets, including newspapers of general circulation and television stations, for the purposes of alerting the general public to your missing or runaway child. You enter into this Release of Liability and Use of Image Agreement as of the date set forth below.

By signing this agreement, you are releasing Travis County, Texas, its officers, agents, or employees from any claim whatsoever arising out of or in connection with this agreement. You are also promising not to sue on any claim whatsoever arising out of or in connection with this agreement.

You agree that this agreement shall bind you, your agents, employees, assigns, heirs, and next of kin.

You agree that this agreement is intended to be as broad and inclusive as permitted by the laws of the State of Texas and that if any portion of this agreement is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect. You further state that you understand the contents of this document and sign this agreement of your own free act.

Signed this ____ day of _____, 200__.

By: _____
Printed Name: _____
Date: _____

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36

Travis County Commissioners Court Agenda Request

Voting Session 08/05/08
(Date)

Working Session 08/05/08
(Date)

I. A. Request made by: COUNTY ATTORNEY (EAC) Phone # 854-9513
Signature of Elected Official/Appointed Official/Executive Manager/County Attorney

B. Requested Text:

**RECEIVE BRIEFING AND/OR AUTHORIZE COUNTY ATTORNEY TO HIRE
OUTSIDE COUNSEL FOR OFFICER C. HOTARD, REGARDING MONTEZ V.
TRAVIS COUNTY, ET AL (REQUESTED BY COUNTY ATTORNEY)
(EXECUTIVE SESSION ALSO, PURSUANT TO TEX. GOV'T. CODE ANN.,
SECTIONS 551.071 (1)(A) AND 551.071(1)(B).**

EAC

C. Approved by: _____
Signature of Commissioner(s) or County Judge

II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (Original and eight copies for agenda request and backup).

B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request. Send a copy of this Agenda Request and backup to them.

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any line item budget
- Grant

Human Resources Department (854-9165)

- A change in your department's personnel (reclassifications, etc.)

Purchasing Office

- Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9513)

- Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits should be submitted to the County Judge's Office no later than 5:00 PM on Monday for the following week's meeting. Late or incomplete requests may be deferred to the next subsequent meeting.

C2

Travis County Commissioners Court Agenda Request

Voting Session 8/5/08

Work Session _____

- I. A. Request made by: Joseph P. Gieselman, Executive Manager Phone # 854-9383
- B. Requested Text: **Approve setting a public hearing on Tuesday, September 9, 2008 to receive comments regarding proposed floodplain regulations for Travis County.**
- C. Approved by: _____
Samuel T. Biscoe, County Judge

- II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (original and eight (8) copies of agenda request and backup).
- B. Please list all of the agencies or officials names and telephone numbers that might be affected or be involved with the request. Send a copy of the Agenda Request and backup to them:

W Anna Bowlin, TNR, 854-9383
 Stacey Scheffel, TNR 854-9383
 Chris Gilmore, Cty Attny 854-9415
 Julie Joe, Cty Attny. 854-9415

RECEIVED
 COUNTY JUDGES OFFICE
 08 JUL 30 PM 3:13

III. Required Authorizations: Please check if applicable:

Planning and Budget Office (854-9106)

- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any line item budget
- Grant

Human Resources Department (854-9165)

- A change in your department's personnel (reclassifications, etc.)

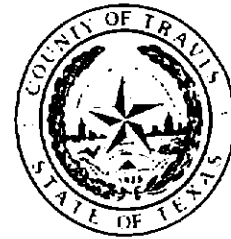
Purchasing Office (854-9700)

- Bid, Purchase Contract, Request for Proposal, Procurement

County Attorney's Office (854-9415)

- Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: This Agenda Request complete with backup memorandum and exhibits MUST be submitted to the County Judge's Office no later than 5:00 p.m. on Tuesday for the following week's meeting. Late or incomplete requests will be deferred.



TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383

July 28, 2008

MEMORANDUM

TO: Members of Commissioners Court

THROUGH: Joseph P. Gieselman, Executive Manager

FROM: Anna Bowlin, Division Director, Development Services

SUBJECT: Comprehensive Up-Date to Travis County Floodplain Regulations
(Chapter 64)

Background: The current regulation was last updated in March 1982. Since then, there have been over 20 amendments to the code. Also, many other County development related regulations have change and now conflict with the floodplain regulations. This causes confusion for staff as well as builders and developers. It also makes the regulation difficult to enforce. Every time the Federal Emergency Management Agency (FEMA) provides new floodplain maps, Travis County must adopt or amend its regulations. The new FEMA maps will be effective September 26, 2008. FEMA has informed the County that a new regulation will be required because of the age of the current regulation. The County must adopt its new regulation prior to September 26, 2008.

Proposed Floodplain Regulations for Travis County: Travis County floodplain regulations have historically been split between Chapter 82, Travis County Regulations for Streets and Drainage in Subdivisions, and Chapter 64, Travis County Regulations for Floodplain Management and Guidelines and Procedures for Development Permits. The proposed floodplain regulations for Travis County address only the Chapter 64 portion of the rules. These rules were developed by H2O Partners using a combination of the FEMA model order, the Texas Colorado River Floodplain Coalition "Higher Standards" model order, and regulations effective in the cities of Austin and Houston.

FEMA requires that the County adopt certain minimum standards for floodplain management, but these standards do not adequately protect citizens in large urban counties from flood. Chapter 64 has higher standards than those FEMA requires in order to participate in the National Flood Insurance Program (NFIP). The proposed regulation includes the current standards and some additional higher standards to better protect citizens from flood. For example, the current Chapter 64 requires that structures be elevated or flood proofed to at least one foot above the expected level of the 100-year flood or Base Flood Elevation (BFE). This is a standard that is above the minimum required to participate in the NFIP. In the new regulation, staff recommends that new structures and substantial improvements be elevated or flood proofed to at least two feet

above the BFE in Zone A and AO. Zones A and AO are ill-defined floodplains. In these zones, there are no detailed engineering studies that would provide accurate BFEs. Two feet allows for a greater margin for error. Structures that are two feet above BFE have lower flood insurance rates than those that are only one foot above BFE. For structures that are located in Zone X (outside the FEMA 100-year floodplain) the County currently issues the development permit that advises the permittee to elevated the finish flood to at least one foot above the highest adjacent grade. As many as 20% of the structures that flood in the County are not in a mapped floodplain. Most of these structures flood due to poor area drainage and are located at or slightly above grade. The new regulation requires that the finish floors of all new structures be placed one foot above the highest adjacent grade.

Several sections of Chapter 64 have been carried forward into the new regulation. Examples include the Solid Waste Siting Ordinance and the Dry Bock Barge Exemption.

Public Involvement: The County Attorney Office prepared a Takings Impact Analysis of the proposed floodplain regulation, although it is technically not required for a political subdivision to adopt regulations for floodplain management. A part of the Takings Analysis requires that a public hearing be held 30-days after posting public notice in the newspaper. TNR recommends holding the public hearing on September 9,2008 to receive comments from citizens. Drafts of the proposed regulation will be available for public viewing at:

www.co.travis.tx.us or
Weekdays between 8:30 AM and 4:00 PM at
411 West 13th Street
8th -floor permits counter
Austin TX 78701.

Comments should be sent to:

Stacey Scheffel, Floodplain Manager, TNR
512-854-7565
P.O. Box 1748
Austin TX 78767
stacey.scheffel@co.travis.tx.us

Summary and Staff Recommendation: The proposed floodplain regulation is intended to simplify the code and make it easier to read and understand. The higher standards will protect lives and property of citizens of Travis County. Because of the age of Chapter 64, FEMA is requiring that the County adopt a new floodplain regulation. TNR staff recommends adoption of the new floodplain regulation.

Budgetary and Fiscal Impact:

None

Exhibits: Chapter 64

Draft Floodplain Management Order
Takings Analysis
FEMA Letter of Final Determination
FEMA check list

CC: Anna Bowlin, Manager, Development Services, TNR
Stacey Scheffel, Floodplain Manager, TNR
Julie Joe, Assistant County Attorney
Chris Gilmore, Assistant County Attorney

JPG:ab:ss

CHAPTER 64. REGULATIONS FOR FLOOD PLAIN MANAGEMENT AND GUIDELINES AND PROCEDURES FOR DEVELOPMENT PERMITS

SUBCHAPTER A. REGULATIONS FOR FLOOD PLAIN MANAGEMENT

§ 64.001 ORDER NO. 9250

ADOPTION OF REVISED GUIDELINES AND PROCEDURES AND REGULATIONS FOR FLOOD PLAIN MANAGEMENT FOR ENTRY INTO REGULAR PROGRAM.

PARAGRAPH 60.3 (c)

- (a) WHEREAS, Travis County has been enforcing Flood Plain Management Regulations in unincorporated areas of Travis County in compliance with the Emergency Phase of the National Flood Insurance Program as authorized by Article 8280-13 V.A.C.S.; and
- (b) WHEREAS, the Travis County Commissioners' Court is resolved to continue Flood Plain Management in unincorporated areas of Travis County; and
- (c) WHEREAS, regulations of the National Flood Insurance Program require entry into the Regular Program at this time and changes to local Flood Plain Management Regulations to comply with Part 60, subpart A, paragraph 60.3, subparagraph (c), Flood Plain Management Criteria for Flood Prone Areas; then
- (d) BE IT THEREFORE ORDERED by the Travis County Commissioners' Court that the Travis County Regulations for Flood Plain Management, Revised March 29, 1982, and the Guidelines and Procedures for Development Permits, Revised March 29, 1982, are hereby adopted as Regulations, Guidelines and Procedures for Flood Plain Management in unincorporated areas of Travis County.
- (e) PASSED AND ADOPTED THIS THE 29 DAY OF MARCH, 1982.

§ 64.002

- (a) WHEREAS, this Court finds that flooding in Travis County, Texas, has been and continues to be a hazard to human life and health and a cause of public and private property damage; and
- (b) WHEREAS this Court has resolved to adopt and maintain in force measures designed to confront this situation with enforcement provisions consistent with Section 1910.3 of the National Flood Insurance Program as authorized by Article 8280-13 V.A.C.S.;
- (c) IT IS THEREFORE ORDERED by the Commissioners' Court of Travis County, Texas, with application to all unincorporated portions of Travis County, Texas, that:

§ 64.003 Purposes and Objectives

- (a) This ordinance seeks to:
 - (1) Minimize hazards to life and property by regulating encroachment in the flood plains;

- (2) Enable Travis County to qualify for the National Flood Insurance program so that property owners may obtain federally subsidized flood insurance for structures;
- (3) Protect individuals from unknowingly buying land and structures which are unsuited for intended purposes because of flood hazards;
- (4) Limit the burden on taxpayers of public costs resulting from:
 - (A) Flood relief measures including rescue and emergency preparedness;
 - (B) Costs of any measures which may be required to protect inadvisable future development in the flood plain from being flooded;
 - (C) Costs of repairing public infrastructure required by a developed flood plain (such as roads and water and sewer mains), which may be subject to frequent flooding damage;
- (5) Encourage use of flood plain lands in accordance with their natural function as bearers of flood waters.

§ 64.004 Definitions

- (a) "A" Permit - Basic Development (the two terms are interchangeable).
- (b) "B" Permit - Flood Hazard Area Development permit (the two terms are interchangeable).
- (c) Base Flood Elevation (BFE) - that elevation noted on a "FIRM" map or flood profile which is the water surface level of Regulatory Flood at the location shown on the map or profile.
- (d) Commissioners' Court - The Travis County Commissioners' Court.
- (e) Division Director - the Division Director of Planning and Engineering Services of the Transportation and Natural Resources Department of Travis County, Texas.
- (f) Development - the alteration or improvement of land (which involves a change in the use of that land). Some examples of uses fitting this definition under this ordinance are any structures, mobile homes, parking lots, paving and surfacing, substantial improvement to structures, and other uses consistent with this definition.
- (g) Drainage Basin - all that portion of the land which contributes runoff water to a waterway.
- (h) Encroachment - any use which inhibits the hydrologic role of the flood plain.
- (i) FIRM Map - Flood Insurance Rate Map (FIRM) provided by Federal Emergency Management Agency (FEMA).
- (j) Flood or Flooding - a temporary condition of partial or complete inundation of normally dry land areas from overflow of the waterway.
- (k) Flood Hazard Areas - the maximum area of the flood plain likely to be inundated by the 100-year flood.
- (l) Flood Plain - the land adjacent to a waterway which has been or may hereafter be covered by flood waters.
- (m) Flood Plain Management - the overall program which encourages wise use of the flood plain and which attempts to minimize flood damage.

- (n) Flood Profile - a profile including profiles provided by FEMA showing various flood water surface levels along a waterway, including the regulatory flood profile.
- (o) Flood-Proofing - a combination of structural changes and/or adjustments incorporated in the design and/or construction and alterations of new or existing individual buildings, structures, or properties subject to flooding intended primarily for the reduction or elimination of flood damages.
- (p) Floodway - the waterway and these portions of the flood plain which must be reserved in order to discharge the regulatory flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.
- (q) 100-Year Flood - the highest level of flooding that, on the average, is likely to occur once every 100 years (a one percent chance of occurring each year).
- (r) 100-Year Flood - the highest level of flooding that, on the average, is likely to occur once every 100 years (a one percent change of occurring each year).
- (s) Obstruction - any man-made structure which may impede the flow of the 100-year flood.
- (t) Regulatory Flood - flood with a 100-year frequency as determined from stream flow measurements, rainfall and runoff data analysis and other analysis suitable to such determination.
- (u) Subdivision - the division of any lot, tract, or parcel of land into two or more lots or sites where such division will require the reservation of land for public or private access to the lots or sites created or where such division is for the purpose of building development, whether immediate or future.
- (v) Substantial Improvement - any repair, reconstruction, or improvement of a structure or infrastructure in excess of fifty percent (50%) of the fair market value of the unrepaired, unreconstructed, or unimproved structure or infrastructure at the time permit application is made. Any repair, reconstruction, or improvement of a structure or infrastructure made since March 28, 1995 shall accumulate toward the fifty percent (50%) figure. The term "Substantial Improvement" includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed.
- (w) Water Surface Elevation - heights in relation to mean sea level to be reached by floods of various frequencies at pertinent point in the flood plain.
- (x) Waterway - a river, stream, creek branch, drainway or natural or artificial water course including any portions thereof which are ponds, lakes, or reservoirs, and which confines and conducts continuously or periodically flowing water.
- (y) * Existing Mobile Home Park or Mobile Home Subdivision - a parcel (or contiguous parcels) of land divided into two or more mobile home lots/sizes for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) was completed prior to the effective date of flood plain management regulations adopted by a community. *

- (z) *2.W. New Mobile Home Park or Mobile Home Subdivision - same as 2.V. above except that construction of facilities for servicing the lot on which the mobile home is to be affixed is to be completed after the effective date of flood plain management regulations.*
- (aa) The word SHALL is mandatory and not discretionary.
The word MAY is permissive.
- (bb) Substantial Damage - damage sustained by a structure whereby the cost of restoring the structure to its before damaged condition would exceed fifty percent (50%) of the market value of the structure before the damage occurred. Damage of any origin sustained by a structure since March 28, 1995 shall accumulate toward the fifty percent (50%) figure; however, in no event shall the accumulation include more than the last three (3) flood events over the previous ten (10) years. A "flood event" is an occasion whereby floodwater rises over the lowest habitable floor of a structure and the structure sustains damage.
- (cc) Dry Dock Barge - a non-residential, commercial structure that is permanently attached to pilings through collars or other engineered means or is otherwise a floating structure that is not self-propelled or readily towable given a two (2) hour warning time and is dependent on land-based utilities and services, provided that the structure is dry flood-proofed and certified by a registered professional engineer or architect in accordance with §64.035.
- (dd) Recreational vehicle- a vehicle that is :
 - (i) built on a single chassis;
 - (ii) 400 square feet or less when measured at the largest horizontal projections;
 - (iii) designed to be self-propelled or permanently towable by a light duty truck; and
 - (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (ee) Mobile home-means:
 - (i) a mobile home;
 - (ii) a manufactured home; or
 - (iii) a recreational vehicle that either:
 - (A) is on site for 180 consecutive days or more; or
 - (B) is not fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

§ 64.005 Identification of Flood Hazard Areas

- (a) Data supplied by the Federal Emergency Management Agency (FEMA) shall identify flood hazard areas. *The Division Director may also determine that additional areas are flood hazard areas where available information indicates.*
- (b) Upon receipt of data identifying the floodway and the regulatory flood elevation from FEMA, *such data shall constitute an official map of flood hazard areas. Where this official

data is proven to be in error to the satisfaction of Division Director, he shall make immediate application to FEMA for corrected maps.* Effective January 19, 2000, the following documents, prepared by the Federal Emergency Management Agency, shall be the official Flood Insurance Rate Map and Flood Insurance Study For Travis County , Texas:

1. Flood Insurance Rate Map Index Number 48453C000, whose effective date is April 15, 2002. and
2. A scientific and engineering report entitled “Flood Insurance Study, Travis County, Texas and Incorporated Areas”, whose effective date is April 15, 2002.(c) Prior to receipt of data from FEMA, the Division Director shall identify flood hazard areas by utilizing the most accurate information available from existing sources.
 - (d) Where existing maps, *including maps supplied by FEMA, * are not sufficient to determine the potential flood hazard of a site, the Division Director may make such a determination based upon the best available hydraulic and topographic data for the site.
 - (e) With the concurrence of FEMA and in accordance with the requirements of subchapter B- National Flood Insurance Program, paragraph 60.5, the Commissioners' Court may apply a standard less than the regulatory flood for definition of a particular flood hazard area.
 - (f) All maps and data, including official flood hazard area maps, Flood Insurance Rate Maps (FIRM), Flood Profiles, and floodway maps shall be on file in the Division Director's Office, Travis County Administration Building, Suite 200, 314 West 11th Street, and shall be available for public inspection. § 64.006 General Flood Hazard Area Uses
 - (a) Unrestricted Uses of the Flood Hazard Area.
 - (1) Development for agricultural purposes which is constructed to standards of the United States Department of Agriculture, Soil Conservation Service (as applied by Taylor and Hays-Caldwell-Travis Soil Conservation Districts) and development of dams and utility projects and related works which are constructed under permit issued by the Water Development Board of the State of Texas, shall be considered an acceptable use of the flood hazard area and will not require a Flood Hazard Area Development Permit (“B” Permit).
 - (2) The following uses having a low flood-damage potential shall be permitted to the extent that they cause no obstruction of flood flows, are not prohibited by any other ordinance, and provided that they do not require the construction of structures, placement of fill, or storage of materials or equipment, or development or substantial improvement wholly or partly within the public streets, roads, easements, rights-of-way or public property of any kind.
 - (1) Other agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, sod farming, game farming, and fish hatcheries.
 - (2) Private and public recreational uses such as golf courses, picnic grounds, parks, wild-life and nature preserves, target ranges, hunting and fishing areas, hiking and horse-back riding trails.
 - (3) Residential uses such as lawns, gardens, parking areas, and play areas.
 - (4) Other similar uses which are consistent with the provisions of this section.

§ 64.007 Restricted Uses of the Flood Hazard Area

Any development in the flood hazard area not classed as an unrestricted use shall be considered a restricted use and shall require a Flood Hazard Area Development permit ("B" permit) as specified in Section 5.

§ 64.008 Basic Development Permits and Flood Hazard Area Development Permits

(a) Permit Requirements - Basic Development Permit ("A" permit)

All development and substantial improvements in unincorporated sections of Travis County shall require a Basic Development Permit ("A" Permit) except development for uses which can be clearly classed as unrestricted uses if applied in any flood hazard area.

- (1) Application shall be made to the Division Director.
 - (2) All necessary application forms (which request basic information about the development) shall be available from the Division Director's Office.
 - (3) The applicant shall be notified within fourteen days whether the "A" permit is granted or whether the Division Director has waived it and is requiring a "B" permit for the development, pursuant to the following subsection B.
 - (4) On issuance of the "A" permit, the recipient shall be required to immediately post the "Notice of Permit" at a location which is open to public view and adjacent to site.
 - (5) *Mobile home park owners may qualify mobile home sites in their parks for "A" permits by making application for each site. "A" permits issued to sites will exempt all future mobile homes placed on the sites from further application unless sites or adjacent flood levels are significantly altered.*
- (b) In reviewing an application for a Basic Development Permit ("A" Permit) where the Division Director determines that any portion of the proposed development would be in the flood hazard area, a Flood Hazard Area Development permit ("B" permit) shall be required pursuant to Section 5.
- (c) If the Division Director determines that the proposed development or substantial improvements will occur entirely within public streets, roads, easements, rights-of-way, or property of any kind, the Division Director shall deny the application unless and until the applicant shall have secured the approval of the Commissioners' Court.
- (d) If the Division Director determines that the proposed development or substantial improvements will occur partly within public streets, roads, easements, rights-of-way, or property of any kind and partly within property owned by the applicant or the applicant's principal, the Division Director may deny the application unless and until the applicant shall have secured the approval of the Commissioners' Court.
- (e) If the applicant secures the approval of the Commissioners' Court pursuant to Section 5.A.3 or Section 5.A.4. or if the Division Director elects to issue a permit without the approval of the Commissioners' Court pursuant to Section 5.A.4., then a Flood Hazard Area Permit ("B" Permit) shall be required, regardless of whether any portion of the proposed development or substantial improvements will occur in the flood hazard area. In such case, the Division Director shall be authorized to require, in addition to any other requirements which may be required for a Flood Hazard Area Permit, such information, documentation, and security as

may be reasonably necessary to insure that the portion of the proposed development or substantial improvements which will occur within public streets, roads, easements, rights-of-way, or property of any kind, shall be completed in a good and workmanlike manner and in accordance with the plans and specifications presented to the Division Director, including, but not limited to, a performance bond, Letter of Credit, or cash deposit in the full amount of the cost of completion, as estimated by the Division Director, of that portion of the proposed development or substantial improvements which will occur within public streets, roads, easements, right-of-way, or property of any kind.

§ 64.009 Permit Requirements - Flood Hazard Area Development Permit ("B" Permit)

- (a) Where a Flood Hazard Area Development Permit ("B" Permit) is required pursuant to the above, the Division Director shall request the applicant to furnish such of the following information as is deemed necessary and practical for determining the suitability of the site for the proposed use, subject to the limitations on proposed development in the flood hazard area noted elsewhere in this regulation.
- (b) Plans in triplicate drawn to scale showing the nature, location, dimension and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the floodway, and the regulatory flood water surface elevation. The Datum Plane used shall be the latest U.S.G.S. datum for all elevations.
- (c) Valley cross-sections showing the waterway, elevation of land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and regulatory flood water surface elevation of that section.
- (d) Plans showing elevations of contours of the ground; size, location, and spatial arrangement of all proposed and existing structures on the site. The topographic (contour) information where required shall be certified as accurate by a Registered Professional Engineer, or Public Land Surveyor.
- (e) Location and elevation of streets, water supply, and sanitary facilities.
- (f) Photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.
- (g) A profile showing the slope of the bottom of the waterway or flow line of the stream.
- (h) Detailed hydraulic calculations prepared by a Registered Professional Engineer showing the net effect of the proposed development on all hydraulic parameters of the waterway(s), and also showing that such net effect includes no adverse effect as defined in paragraph 5.C.2. Such calculations shall also be accompanied by detailed hydrologic computations of the regulatory flood levels and discharges through the affected waterways unless such levels and discharges are furnished by the Division Director.
- (i) All specifications and details necessary for complete review of design for such building construction as may reasonably require any flood-proofing within the flood hazard area and for filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities within the Flood Hazard Area.

§ 64.010

- (a) Where flood-proofing measures are required, they shall be designed consistent with the regulatory flood water surface elevation for the particular area, flood velocities, duration, and other factors associated with the regulatory flood. The Division Director may require that the applicant submit a special flood-proofing plan including, but not limited to any of the following measures:
- (1) Anchorage to resist flotation and lateral movement.
 - (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
 - (3) Reinforcement of walls to resist water pressures.
 - (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - (5) Addition of mass or weight to structures to resist flotation.
 - (6) Installation of pumps to lower water levels in structures or relieve flood pressures.
 - (7) Construction of water supply and waste-treatment systems so as to prevent the entrance of flood waters.
 - (8) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - (9) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into buildings and structures.
 - (10) Location of all electrical equipment and circuits consistent with the need to protect them from inundation.
 - (11) Location of all storage facilities for chemicals, explosives, buoyant materials which may be hazardous to public health, safety, and welfare outside of the flood plain.

§ 64.011

Minimum Standards of design and construction for flood-proofing of buildings and structures shall be in accordance with the U.S. Army Corps of Engineers publication entitled, "Flood-Proofing Regulations", June 1972, E.P. 1165 2 314, (or any subsequent edition as approved by the Commissioners' Court) to the following extent:

- (a) Section 202.0 through Section 204.5 and Section 206.0.
- (b) Chapters 4 through 14.
- (c) Such definitions indicated in Chapter 3 that are not otherwise defined as part of this ordinance. The term "Building Official" shall mean the Division Director or his designated agent and the term "Building Code" for the purposes of use with the "Flood-Proofing Regulations" shall mean the latest edition of the "Uniform Building Code" as published by the International Conference of Building Officials, Part VI in its entirety and Part VII, Chapter 29.

§ 64.012

Where flood-proofing is utilized for a particular structure in accordance with the above requirements, the Division Director may require that a Registered Professional Engineer may require that a Registered Professional Engineer or Architect certify that the flood-proofing

methods are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

§ 64.013

The following special flood-proofing is required for mobile homes in the flood hazard area and apply to new mobile home parks, and new mobile home subdivisions, for expansions to existing mobile home parks and existing mobile home subdivision, for new mobile home sites not in a mobile home park, and for existing mobile home parks and existing mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads (infrastructure) qualifies as a substantial improvement:

- (a) Stands or lots shall be elevated on compacted fill or on piers so that the lowest floor of the mobile home will be at least one (1) foot above the regulatory flood.
- (b) Adequate surface drainage and easy access for a hauler shall be provided.
- (c) Where stands or lots are elevated to permit steps, pier foundations shall be placed on stable soil and not more than ten (10) feet apart, and steel reinforcement shall be provided for concrete piers over six (6) feet high.
- (d) Designs for elevation of mobile home sites shall support applied forces, including flood velocity forces, with an acceptable margin of safety and shall be submitted to the Division Director for approval.

§ 64.014

Mobile homes moved onto lots or stands in existing mobile home parks and existing mobile home subdivisions, or sites in the flood hazard area will require "B" permits and the following special flood-proofing requirements will apply:

- (a) Over-the-top and frame ties to ground anchors shall be required for each mobile home moved in, over-the top ties shall be provided at each of the four (4) corners of the mobile home with one additional tie per side for mobile homes under 50 feet. long and two additional ties per side for mobile homes over 50 ft. long.
- (b) Frame ties shall be provided at each corner of the home with four (4) additional ties per side for mobile homes under 50 ft. long and five (5) additional ties per side for mobile homes over 50 ft. long. All components of the anchor system shall be capable of carrying a force of 4,800 pounds. Any additions to the mobile home shall be similarly anchored.
- (c) The fact that the mobile home site is in the flood hazard area shall be disclosed to the mobile home and/or lot purchaser or lessee in the purchase contract, deed or lease.
- (d) An evacuation plan indicating alternate vehicular access and escape routes shall be filed with Disaster Preparedness Authorities.
- (e) "B" permits will not be required for any mobile home moved onto a stand or lot in an existing mobile home park where the stand or lot has been flood-proofed as required by paragraph 5.b.5., above.
- (f) Mobile home park owners shall have the alternative of flood-proofing under a single "B" permit all mobile home lots or stands which they own and rent to others.

§ 64.015 State and Federal Permits

- (a) For proposed development within the flood hazard area, the permittee or his agent shall verify that all necessary reviews and/or permits have been received from these governmental agencies from which approval is required by Federal or State law.
- (b) Where the proposed development is within the flood hazard area of waterways meeting the sustained flow criteria of Section 404 of the Federal Water Pollution Control Act, Amendments of 1972 33 U.S.C. 1334, the permittee or his agent shall verify that the construction meets the blanket permit requirements in effect in the State of Texas under Section 404, or shall provide evidence that a special permit for the development has been issued by the Corps of Engineers under Section 404.*

§ 64.016

On receipt of all requested information, the Division Director shall evaluate the proposal for flood heights and velocities, potential flood damage, adequacy of the plans for protection, location within the flood hazard area, and other technical matters in view of the limitations on proposed development in flood hazard are noted elsewhere in this regulation.

§ 64.017

The Division Director shall then submit a statement to the applicant and to the Commissioners' Court indicating approval or rejection of the application, and conditions for approval or reasons for rejection.

§ 64.018

Prior to approval and issuance of a "B" permit, the Division Director shall prepare for signature, and the applicant shall sign, a certificate indicating that the applicant accepts the permit with any specified conditions and that he will construct the development in strict conformance with the approved plans and specifications and conditions attached.

§ 64.019

On issuance of a "B" permit, the recipient shall be required to immediately post the Notice of Permit at a location which is open to public view and adjacent to the site.

§ 64.020

Appeal of the Division Director's decisions on "B" permits may be made to the Commissioners' Court pursuant to Section 10.

§ 64.021 Limitations on Proposed Development in the Flood Hazard Area

- (a) Subject to "B" permit requirements, the only residences which may be built in the flood hazard area are those whose lowest floor is raised to at least one (1) foot above the regulatory flood elevation.
- (b) If the proposed development in the flood hazard area (including unrestricted uses as described in Section 4 and methods used for elevation of residences) can be shown to cause and adverse effect as defined below, the "B" permit will not be allowed. Adverse effects shall include the following items on occurrence of the regulatory flood:

- (1) Increase in water surface elevation on land not owned by the applicant and which is outside public drainage or ponding easements or private easements held by the applicant.
 - (2) Increase in regulatory flood peak discharge rate downstream of the proposed development.
 - (3) The creation of stagnant ponds or pools which might constitute a health hazard.
 - (4) The introduction into the flood hazard area of materials hazardous to public health or safety.
 - (5) Increased erosion.
- (c) Once the floodway has been determined for the regulatory flood on any waterway, all development will be prohibited in the floodway except for unrestricted uses and special uses by "B" permit only. Other development within the floodway may be allowed if it is demonstrated by an engineering analysis, which may include a hydrologic and hydraulic analysis, performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Encroachments within the adopted floodway that would result in an increase in the base flood elevations also may be permitted if a conditional Flood Insurance Rate Map and floodway revision are approved, the requirements for such revisions are fulfilled, and approval from the Federal Emergency Management Agency Administrator is obtained. Special uses of the floodway shall include bridges, culverts and other public crossings; and dams, levees and other waterway improvement structures consistent with general flood plain management policies of the County.

64.022 Conditions attached to Flood Hazard Area Development Permit -

The Division Director may recommend that conditions be attached to Flood Hazard Area Development permits, including:

- (a) Modification of waste disposal and water supply facilities which shall be consistent with County and State health regulations, and which shall be made only after consultation with the affected utility's owners and operators and state regulatory agencies.
- (b) Limitations on period of use and operation which shall be consistent with the purposes stated in Section 1.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
- (e) Modification of the flood-proofing plan to include additional flood-proofing elements.

§ 64.023

Inspections shall be performed by the Division Director or his agents at various intervals for all construction for which a "B" permit is issued, unless specifically exempted below:

- (a) Two inspections may be made for buildings and structures within the flood hazard area: a foundation inspection (after the foundation is in) and a mechanical/electrical inspection (when all mechanical/electrical equipment is exposed in place). For residences and other buildings to be elevated above the flood level in subdivisions where building slab locations and elevations have been previously established and approved, the Division Director may

waive foundation inspections or receipt of satisfactory field notes and certification by a Registered Professional Engineer or Public Land Surveyor of the State of Texas to the effect that the foundations are set to the approved elevation.

- (b) The permittee shall notify the Division Director 48 hours before construction is ready for the above inspection.
- (c) No use or occupancy of construction for which a "B" permit has been issued will be allowed until a final inspection has been made by the Division Director or his agent or satisfactory certification has been received and a signed "Certificate of Occupancy" has been issued. County approval of properties for issuance of Federally subsidized flood insurance will be contingent on issuance of the "Certificate of Occupancy". For the purposes of this regulation, a copy of the "B" permit with inspections noted or certification attached and bearing the words "Certificates of Occupancy" followed by the dated signature of the Division Director or his authorized agent, shall be a Certificate of Occupancy meeting the requirements of this paragraph.

§ 64.024 Suspension of Permits

- (a) Refusal to make corrections as may be required by the Division Director, allowing work to be covered so an inspection cannot be made, or denial of access for inspections to the Division Director or his agent, shall be grounds for suspension of a permit.
- (b) A suspension is in effect when the permittee or his agent is notified of suspension and a written suspension notice is posted.
- (c) Appeal of permit suspensions may be made to the Commissioners' Court.
- (d) The permittee shall have fourteen (14) days to appeal suspension or commence work to complete action necessary to abate suspension or the penalties of this ordinance will be applied. The suspension will be abated when corrective work is performed and has passed inspection.

§ 64.025 Subdivision Plats

- (a) All subdivision plats which include portions of the flood hazard area must receive approval for a Flood Hazard Area Development permit for all proposed infrastructure before the plat can be approved for recording. *Where suitable data is submitted to the Division Director, prior to or concurrent with the subdivision plat, showing that design construction requirements of the City of Austin, Federal Housing Administration or other controlling agency, meet or exceed the requirements of this regulation and will be properly implemented for that subdivision, then the Division Director may issue a "B" permit without further inquiry and may waive the usual fees.*
- (b) Subdivisions shall be required to:
 - (1) Be consistent with the need to eliminate flood damage.
 - (2) Locate, elevate and construct all public utilities and facilities, such as sewer, gas, electrical, and water systems, so as to eliminate damage from the regulatory flood.
 - (3) Provide adequate drainage including properly sized and located drainage easements to convey the regulatory flood without damage to structures, including infrastructure.

- (4) Have designs which locate streets and curbing, and elevate, locate, site and shape lots in a manner which will permit each residential lot to provide an adequate building site for structures such that the lowest flood elevation of structures will be at least one (1) foot above the regulatory flood level.
- (5) No permit land filling or any other construction proposed for subdivision lots which are in the flood hazard area unless the applicant has demonstrated that the proposed use, when combined with all other existing and anticipated uses, is consistent with the limitations on proposed development in the flood hazard area as defined in Section 5C. of these regulations.
- (6) *Have submitted detailed hydraulic calculations prepared by a Registered Professional Engineer showing the net effect of the proposed development on all hydraulic parameters of the waterway(s), and also showing that such net effect includes no adverse effect as defined in paragraph 5.C.2. Such calculations shall also be accompanied by detailed hydrologic computations of the regulatory flood levels and discharges through the affected waterways unless such levels and discharges are furnished by the Division Director.*
- (c) All plats submitted for approval shall clearly delineate flood hazard area boundaries,* along with the source of that determination. All plats submitted that contain flood hazard area boundaries shall also describe the location of a benchmark that is referenced from 1929 U.S.G.S. Datum.*
- (d) The Division Director shall notify the applicant within 21 days of receipt of a plat which is acceptable in all other respects whether the requirements of this ordinance are satisfied by the proposal.
- (e) Infrastructure and lot construction of all plats submitted under this ordinance must meet all stipulated requirements prior to acceptance of roads and drainage for County maintenance.
- (f) The developer, builder, or agent shall inform, in writing, each prospective buyer of undeveloped property located in the flood hazard area:
 - (1) That part of the subdivision has been found to be in the flood hazard area and has been issued a "B" permit by Travis County. The written notice shall specify all terms and conditions of the permit.
 - (2) That issuance of a Flood Hazard Area Development Permit shall be required for all structures constructed within the flood hazard area, and that issuance is dependent on construction which will not increase the flood hazard and will be protected from flood damage.
 - (3) The written notice shall be signed and acknowledged by the buyer and shall be filed for record in the Deed Records of Travis County.
 - (4) If subsequent investigation by the Division Director reveals that lots previously approved are subject to flood hazards, he/she will notify the seller who shall in turn notify the prospective buyer.

64.026 Water Supply and Wastewater Collection Systems

- (a) New or replacement water supply and wastewater collection systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems shall be located so as to avoid impairment or contamination during flooding.
- (b) All future proposals for construction of water supply and sanitary sewage systems to be located in the flood hazard areas shall be submitted to the Division Director for review by that office which may refer such proposals to County or State* health authorities pursuant to this section.

§ 64.027 Non-Conforming Uses

- (a) A development which was lawful before passage and implementation of this ordinance but which does not conform with the provisions of this ordinance may be continued subject to the following conditions:
 - (1) No structural alteration, addition, or repair to any non-conforming structure shall exceed fifty percent (50%) of its value, unless such action would qualify the development for Flood Hazard Development permit consideration.
 - (2) If any non-conforming use is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its value, it shall not be reconstructed except in conformity with the provisions of this ordinance.
 - (3) Any alteration, addition or repair to any non-conforming use which would result in substantially increasing its flood damage potential shall require a Flood Hazard Area Development permit.
- (b) The following procedures shall be used to determine whether a structure is substantially improved pursuant to § 64.027:
 - (1) The owner shall obtain an estimate of fair market value for the structure which has been damaged. The market value shall not include the value of the land, landscaping, or detached accessory structures on the property. Acceptable estimates of market value can be obtained from the following sources:
 - (i) Travis County Appraisal District; or
 - (ii) independent property appraisals conducted not more than twenty-four (24) months prior to a flood event.
 - (2) The owner shall obtain an estimate for the cost of repairs to the damaged structure. Acceptable estimates can be obtained from the following sources:
 - (i) itemized estimate (as to both materials and labor) made by licensed contractors or other professional estimators in the construction industry; and
 - (ii) for insured structures damaged by floods, the monetary damage estimated by the National Flood Insurance Program claims adjuster (structure only, not contents).
 - (3) The owner shall provide an estimate for the cost of repairs or improvements which have been made to the structure since March 28, 1995.

- (4) The owner shall submit a completed application form along with the requested cost and appraised value figures to the Transportation and Natural Resources Department permit counter.
- (c) Upon receipt of the information outlined in § 64.027(b), the Division Director shall verify the accuracy of the information and determine if the structure has been, or will be, substantially improved as a result of the repair work or other improvements which have been or need to be made. If the value of repairs or improvements does not constitute a Substantial Improvement as defined herein and does not exceed 50% of the market value of the structure, then a permit will be issued by the Division Director to begin the repairs. If the value of repairs or improvements exceeds 50% of the market value of the structure, then a permit will be denied unless the structure is to be reconstructed outside of the flood plain or elevated once foot above the base flood elevation. Upon request by the owner, the Division Director shall provide a determination of the required elevation for the lowest possible habitable floor. The owners of non-residential structures may receive a permit for repairs if the structure is relocated outside the flood plain, or structurally flood-proofed for that portion of the structure located beneath the base flood elevation.

§ 64.028 Responsibilities of the Division Director

- (a) To review and act upon all "A" permit applications.
- (b) To decide on all "B" permit applications with consultation and approval of the County Commissioner with jurisdiction, within 21 days of receipt of all required application data.
- (c) To collect all fees set by the Commissioners' Court necessary to recover costs incurred in meeting the requirements of this ordinance.
- (d) To make reasonable inspections on all new construction and substantial improvements in flood hazard areas.
- (e) *To notify adjacent communities and the State Coordinating Officer prior to any alteration or relocation of a waterway which will have a discernable effect on the adjacent community, and submit copies of such notifications to FEMA.
- (f) To report to the Commissioners' Court quarterly - the last meeting in the month of March, June, September and December - on all actions concerning this ordinance.
- (g) To submit on the anniversary date of the County's notification of eligibility in the Flood Insurance Program an annual report to the Federal Insurance Administration on the progress of flood plain management measures in Travis County.
- (h) To Perform all other duties necessary to insure that the requirements of this ordinance are satisfied.

§ 64.029 Appeals

- (a) Any decision of the Division Director may be appealed to the Commissioners' Court.
 - (1) Appeals must be filed in writing within fourteen (14) days of the date of public notice of the issuance of a permit.
 - (2) Specific reasons for appeal must be indicated.

- (b) No construction authorized by a "B" permit may begin until the fourteen day appeal period has expired.

§ 64.030 Enforcement: Penalties

- (a) Any violation of this ordinance is a Class "C" Misdemeanor. Each day a violation occurs is a separate offense.
- (b) The Commissioners' Court may file suit for injunctive relief or civil penalties or both for any violation or threatened violation of this ordinance.
- (c) As an addition or alternative to the remedies of § 64.030(b), the Commissioners Court may submit a declaration to FEMA that the property is in continuous violation of the Manual and for the Administrator of FEMA to declare that the property, pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended, no longer qualifies for flood insurance (a Declaration). Upon issuance of Declaration by the Administrator of FEMA, the Commissioners Court shall file the same in the Deeds and Real Property Records of Travis County.
- (d) Prior to the submission of a Declaration to FEMA by the Commissioners Court, the following steps shall have been taken:
 - (1) In the event a party commences any manner of construction in Travis County and has failed to comply with the application and permitting process set forth in Chapter 64 of the *Travis County Policies, Procedures, and Regulations Manual*, the Division Director shall have posed a citation notice to the property (the Cited Property) for such non-permitted construction (see Appendix D, page D-13).
 - (2) The Division Director shall have notified the owner of the Cited Property by certified mail, return receipt requested, that:
 - (i) the citation notice has been issued (a copy of which shall be included), and
 - (ii) the owner must cease the non-permitted construction within ten (10) days following receipt of such citation notice.
 - (3) In the event the owner of the Cited Property fails to cease the non-permitted construction within ten (10) days following receipt of the citation notice, the Division Director shall have notified such owner by certified mail, return receipt requested, that the Commissioners Court may submit a Declaration to the Administrator of FEMA, pursuant to § 64.030(b) of the *Travis County Policies, Procedures, and Regulations manual*.

§ 64.031 Amendments

This ordinance is subject to amendment at any time by the Commissioners' Court.

§ 64.032 Severability

If any provision of this ordinance, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid portion, and to this end the provisions of this ordinance are declared to be severable.

§ 64.033 Abrogation and Greater Restriction

This ordinance is not intended to repeal or impair any existing easements, covenants, or deed restrictions. However, where this regulation imposes greater restriction, the provision of this regulation shall prevail. All other regulations inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

§ 64.034 Warning and Disclaimer

Flood protection required by this ordinance is reasonable and is based upon sound surveys, data interpretations, and computations. However, larger floods than that of a one percent chance of occurring in any year may occur on rare occasions or under unusual conditions. Flood heights may be higher than computed, due to man-made or natural causes which inhibit discharge of flood waters. This ordinance does not imply that areas outside of designated areas with flood hazards or that uses permitted within such delineations will be free of flooding or flood damage. This ordinance shall not create liability on the part of the County or any officer or employee thereof for any personal injury, death, or property damage from flooding that may result from reliance on this ordinance or on any administrative decision lawfully made thereunder.

§ 64.035 Dry Dock Barge Exemption

- (a) As of March 28, 1995, upon the occurrence of a flood event and determination by the Division Director that a pre-existing, non-residential, commercial structure has sustained damage, the owner of such structure may apply for an exemption to redesign the same as a Dry Dock Barge (a “Dry Dock Barge Exemption”). A Dry Dock Barge Exemption shall be granted by the Division Director provided the owner meets the following criteria:
- (1) A registered professional engineer or architect in the State of Texas shall certify the Dry Dock Barge in accordance with 44 CFR § 60.3(c)(4).
 - (2) A registered professional engineer in the State of Texas shall certify that the Dry Dock Barge:
 - (i) includes a barge anchor system that has been designed and constructed to prevent the barge from moving onto or over adjacent properties or over insurable improvements located on the owner’s property during a flood event up to and including the 100-Year Flood, and
 - (ii) shall not increase the water surface elevation of the 100-year flood plain on adjacent properties.
 - (3) A Dry Dock Barge shall provide for a satisfactory means of evacuation prior to a Flood and an acceptable means of accessing the Dry Dock Barge during a period of Flooding.
 - (4) The owner shall provide a written statement to the Division Director acknowledging:
 - (i) the preexisting, non-residential, commercial structure has suffered damage;
 - (ii) the Dry Dock Barge is being constructed in lieu of making repairs or improvements to such structure;
 - (iii) the anchor system for the Dry Dock Barge shall be maintained according to the design certified by the engineer pursuant to § 64.035(a)(2)(i); and
 - (iv) the owner may not be eligible for flood insurance coverage or federal disaster assistance with respect to the Dry Dock Barge.

- (b) Upon the granting of a Dry Dock Barge Exemption, a Dry Dock Barge shall be exempt from this ordinance and its owner shall comply with the following rules:
 - (1) Except for those trained personnel necessary to assure the structure remains anchored, a Dry Dock Barge shall remain unoccupied during a flood event.
 - (2) A Dry Dock Barge shall be demolished and removed by its owner in the event:
 - (i) the owner's business becomes insolvent, is placed in receivership or bankruptcy, or ceases to carry on in the ordinary course of business;
 - (ii) a resolution or order is passed for the winding up or liquidation of the owner's business; or
 - (iii) such barge is significantly damaged in any manner.
 - (3) The owner shall be prohibited from making any repairs or improvements to the pre-existing, non-residential, commercial structure, including but not limited to maintenance of any kind, and shall only be allowed to remove such structure from the property.

(§ 64.036 - § 64.049 Reserved for Expansion)

CHAPTER 64. TRAVIS COUNTY REGULATIONS FOR FLOOD PLAIN MANAGEMENT AND GUIDELINES AND PROCEDURES FOR DEVELOPMENT PERMITS

SUBCHAPTER B. GUIDELINES AND PROCEDURES FOR DEVELOPMENT PERMITS

§ 64.050 ORDER NO. 87-663

AN ORDER PROVIDING FOR THE ADOPTION OF REVISED GUIDELINES AND PROCEDURES AND REGULATIONS FOR TRAVIS COUNTY'S FLOOD PLAIN MANAGEMENT PROGRAM.

- (a) WHEREAS, Travis County has been enforcing Flood Plain Management Regulations in unincorporated areas of Travis County in compliance with subsection 60.3(d) of the National Flood Insurance Program as authorized by TEXAS WATER CODE ANNOTATED Sections 16.311 through 16,319; and
- (b) WHEREAS, the Travis County Commissioners' Court is dedicated to continue Flood Plain Management in unincorporated areas of Travis County; and
- (c) WHEREAS, continued participation in the National Flood Insurance Program mandates revisions to be in compliance with 44 CFR Parts 59, 60, 61, 65, 70, 73 and 76 of the Flood Insurance Program; Final Rule, 1986; and
- (d) WHEREAS, the revised Guidelines and Procedures, and Regulations dated March 24, 1987 required minor revisions to be made, at the Federal Emergency Management Agency's request, and these revisions have been incorporated; then
- (e) BE IT THEREFORE ORDERED by the Commissioners' Court of Travis County, Texas, that the Travis County Regulations for Flood Plain Management, Revised September 2,

1987, and the Guidelines and Procedures for Development Permits under these Regulations, Revised September 2, 1987, are hereby adopted as Travis County Regulations for Flood Plain Management and Guidelines and Procedures for Development Permits under Travis County Regulations for Flood Plain Management in unincorporated areas of Travis County, Texas.

(f) APPROVED AND ADOPTED the 2 day of SEPTEMBER, 1987.

§ 64.051 General Comments

- (a) The Travis County Commissioners' Court approved Flood Plain Management Regulations for Travis County on December 15, 1975. Application was made to the Federal Insurance Administration for approval of the Regulations and on January 22, 1976, the Federal Insurance Administration published notice that Travis County, Texas was included in the National Flood Insurance Program and residents of the County could obtain flood insurance beginning January 29, 1976.
- (b) The Regulations approved for Travis County meet certain standards-required of all local governments by the National Flood Insurance Program as published in Section 60.3 of the Federal Register.
- (c) Flood Insurance Rate Maps (FIRM) are available for growth areas in Travis County. Flood profiles have been provided to Travis County for these areas. Where FIRM maps are available, these shall be the official Flood Plain maps.
- (d) Detailed drainage analysis criteria and drainage studies are available on a select basis for many subdivisions and local reaches of area streams and branches. Flood plain information studies have been completed by the Corps of Engineers for several tributaries and studies are underway by the Corps on other tributaries. A comprehensive study of Lake Travis and the Colorado River reaches has been completed. This data is included on the FIRM maps.
- (e) There is considerable flood plain information available in the rapidly developing areas in the vicinity of Austin. However, the nature of that information often requires interpretation. Consequently, Travis County Commissioners selected a dual permit method of Flood Plain Management where application is required for all new development to allow professionals to assess flood hazard. By this method, Travis County is able to have a comprehensive Flood Plain Management Program.
- (f) Those areas shown on the Flood Insurance Study Maps, the Flood Insurance Rate Maps (FIRM) and any revision thereto are adopted and declared a part of this order.

§ 64.052 Implementation

(a) When Did It Start?

Application for Flood Plain Management Permits has been required for all new development since May 3, 1976.

(b) Where Does It Apply?

Regulations apply to all unincorporated areas of Travis County including the entire extra-territorial jurisdiction (ETJ) of the City of Austin and any other corporate city.

(c) Who Must Apply?

All persons proposing or carrying out development in Travis County must apply for a permit.

(d) Where To Apply?

Application for Basic Development Permits ("A" Permit), and Flood Hazard Area Development Permits ("B" Permit) shall be made to the Travis Division Director. Application shall be made in person. All necessary forms and copies of these Guidelines and Procedures may be obtained from the Division Director's office.

§ 64.053 Administration

(a) General

- (1) This program is administered by the Office of the-Division Director, Travis County, Texas, under the Authority of the Commissioners' Court of Travis County and in conformance with TEXAS WATER CODE ANNOTATED Sections 16,311 through 16,319 and 44 CFR parts 59, 60, 61, 65, 70, 73, and 76 of the National Flood Insurance Program: Final Rule, 1986.
- (2) The Division Director is hereby appointed as the Flood Plain Administrator for Travis County.
- (3) The Division Director will maintain and have available for inspection by the public all official maps, data and records relating to location and identification of flood hazard areas. The Division Director's Office shall be responsible for coordinating all aspects of the Program in Travis County with officials of the State and Federal governments. Where there is objection to or disagreement with data provided on official maps, all action relating to these official maps shall be initiated through the Office of the Division Director(see Regulations 3.B.).

(b) Procedures and Forms

(1) Application

- (A) Application must be made in person by the owner or his agent. An application form must be filled out by the applicant. (See Appendix D, Page D-1 and D-2). The approximate cost of the development should be known and the development must be accurately located and described. In the case of residential or non-residential building construction, a copy of the site plan and a flood-proofing/special flood-prevention plan should be provided with the application. For other development, general plans of construction should be provided. A fee must be paid prior to processing the application (see Appendix C).
- (B) If the lot, block and subdivision are not known, or the development is not in a subdivision, measure the distance to two locatable objects, such as the nearest roads, streams, bridges or other normally mapped features. Show these measurements on a sketch or on a copy of a map for which the scale is known.
- (C) Copies of County road maps at a scale of one inch (1") equals one thousand feet (1000') can be purchased from the Division Director's Office.

- (D) All necessary permits from those governmental agencies by whom approval is required must be obtained prior to issuance of a Development Permit.
- (2) "A" Permit
 - (A) If the development is not found to be in a flood hazard area, an "A" Permit may be issued. "A" permits will be returned to the applicant by mail. Processing of permits concurrent with application will not be possible generally, unless prior arrangements are made by phone at least 24 hours in advance, and all required data is furnished and is satisfactory.
 - (B) Certain development activities may qualify for a lower fee provided all data is received by the Division Director at the time of application. Where ten or more residences located in the same section of a subdivision or manufactured home park, and constructed or installed by the same builder are presented for processing at the same time, the fee will be reduced in accordance with the current fee schedule, provided all permits will be "A" permits.
 - (C) Upon issuance of an "A" permit, the applicant shall post the "hard copy" at a conspicuous location adjacent to the job site and protected from the elements. (See Appendix D, Page D-3).
 - (D) Permits which are lost or destroyed may be replaced by application and payment of a replacement fee (see Appendix C).
- (3) "B" Permit
 - (A) Development which is found on application to be in a flood hazard area must qualify for a "B" permit prior to construction. The applicant will be notified that the development is in the "flood hazard area" by receipt of the Supplementary Form (See Appendix D, page D-4 and D-5). The Supplementary Form notes what additional information is required and informs the applicant of any special circumstances connected to the application.
 - (B) The applicant shall provide the information necessary to show that the development will not violate the provisions of these Guidelines and Regulations, shall be clear of the floodway, and if it is a residential structure elevated in a manner acceptable under the "Travis County Regulations for Flood Plain Management." If it is a non-residential structure it shall be elevated and/or flood proofed in a manner acceptable under the "Travis County Regulations for Flood Plain Management" and shall also be clear of the floodway.
 - (C) After the applicant has been notified of acceptance for a "B" permit, and as a condition for issuance of the permit, the applicant shall sign and acknowledge the "Certificate of Conformity to Requirements of Class "B" Flood Hazard Area Development Permit" (see Appendix D, Page D-6).
 - (D) When the certificate and designs are completed which will qualify the development for a "B" permit, and the appropriate fees have been paid (see Appendix C), the "B" permit will be issued. The permit will note that elevation certificate completion is required. The "hard copy" of the permit shall be posted at a conspicuous location adjacent to the job site and protected from the elements. (See Appendix D, Page D-7).
 - (E) If the development is a residential or non-residential structure the lowest floor elevation required will be noted on the permit. Inspection to assure that this elevation has been met shall be performed by a Registered Professional Engineer, Licensed Architect or Public

Land Surveyor of the applicant's choice (see Regulations 5.E). When the inspection has been performed, the inspector shall sign and seal the appropriate space on the required "elevation certificate", and shall return a copy of this certificate to the Division Director's Office. (See Appendix D, Page D-8 and D-9).

(F) Upon receipt by the Division Director's Office of the satisfactorily completed elevation certificate, the permit shall be considered completed.

(c) Appeals

Any decision by the Division Director with regards to issuance of permits may be appealed to the Commissioners' Court. Appeals must be filed in writing within fourteen (14) days from the date of "Public Notice" of the issuance of the permit or the date of receipt of written denial of permitting. "Public Notice" shall be considered to be any of the following: notice in a newspaper of general circulation in the area of construction, official County notices, or posting of the permit on the job site.

§ 64.054 Subdivision Development

(a) General

Since May, 1975, the City of Austin has required drainage plans from developers of subdivisions that show all drainage routing including flooding from the base flood (100 year flood). Travis County has required since January, 1980. These same types of plans for subdivisions through its Subdivision Standards. Prior to 1980, and after the adoption of these Regulations, developers were required by these Regulations to provide detailed information for delineation of the flood hazard boundaries. The Subdivision Standards of both the City of Austin and Travis County require the limits of the flood hazard area to be delineated and dedicated as a drainage easement.

(b) Streets, Bridges, Drainage Systems and Utilities

(1) Subdivisions located in unincorporated areas of Travis County and in the ETJ of corporate cities are required to conform with that City's and the County's Subdivision Standards. These Standards require that the "Travis County Regulations for Flood Plain Management" be adhered to in the development of streets, bridges, drainage systems and utilities. The construction of these facilities shall require a Travis County development permit.

(2) The permit fee shall be calculated on the construction cost as follows: the cost for improvements in flood hazard areas shall be at the "B" permit rate. The cost of the remaining improvements shall be at the "A" permit rate.

§ 64.055 Structures (Residential and Non-Residential)

(a) General

(1) All structures located in unincorporated areas of Travis County shall require a development permit from the Division Director, unless exempted as a Dry Dock Barge pursuant to § 64.035.

(2) Structures that are to be constructed in subdivisions that have had the flood hazard areas accurately delineated, and/or lowest floor elevations provided, will be issued a "B" permit. The fees for these permits shall be at the "A" permit rates.

- (3) Proposed structures in subdivisions that do not accurately delineate the flood hazard areas shall be issued a "B" permit and fees calculated at the "B" permit rates.
- (4) All structures that are issued a "B" permit shall be elevated with the lowest floor elevations at least one (1) foot above the base flood elevation. If this requirement is not met, then adequate flood proofing protection shall be required but only for non-residential structures. Flood proofing for residential structures is not recognized. In either case, the County shall require that the "Elevation Certificate" be completed prior to the Division Director's Office accepting the development as complete.
- (5) Buildings that are inaccessible during the "base flood", and are in compliance with these Regulations, may be required to submit an evacuation plan that is satisfactory to the Division Director.

§ 64.056 Other Development

(a) General

- (1) "Other Development" shall be all items that have not been specifically addressed in these Guidelines and Regulations including: dams, levees, weirs, retaining walls, channels, excavation, buildings, fill material, parking lots, site grading, utilities, public works, etc. "Other Development" shall be required to have a County development permit and must qualify for that permit. The permit fees for other development will be at the appropriate permit rate.
- (2) Fences are considered to be "other development" and shall require a permit when they encroach into flood hazard areas and/or surface drainage areas. Special modifications shall be made to the fence for free passage of water.

§ 64.057 Stormwater Management Controls

(a) General

- (1) Due to the rapid onset of development in unincorporated areas of Travis County the Division Director requires that developments which exceed 20% impervious coverage ratio, when calculated against the total property, control the increased stormwater. These controls will be of a method by which the County will be assured that present flooding conditions will not be increased by the development. This requirement has been in effect since April 1, 1982, when the County went into the regular phase of the National Flood Insurance Program.
- (2) Improvements and/or development prior to April 1, 1982 are exempt from these controls, but any impervious material "grandfathered" shall be used in calculating the impervious coverage ratio for future development.
- (3) Individual single family residences shall not be required to conform to these controls.

(b) Design of Stormwater Management Controls

When development exceeds the 20% impervious coverage ratio, the permit applicant shall have a Registered Professional Engineer, licensed in the State of Texas, provide a plan with supporting calculations to attenuate the effects of the proposed increased stormwater. The

normal design of these controls shall be as per the City of Austin's Drainage Criteria Manual. Any other method proposed shall require prior approval by Division Director.

§ 64.058 APPROVALS AND PERMITS

(a) General

- (1) All applicable Federal, State and City requirements and/or approvals shall be acquired prior to issuance of a County development permit.
- (2) Permits and fees required by these different agencies shall not preclude the need for a Travis County development permit. Permit fees for the County development permit will not be waived due to any concurrent jurisdiction.

§ 64.059 IX. MANUFACTURED HOMES

(a) General

- (1) All manufactured homes located in unincorporated areas of Travis County shall require a development permit from the-Division Director, with only the following exception:
- (2) Manufactured home parks located wholly outside of any Flood Hazard Area may be issued a "Site License Permit" for each pad, in which case no additional permits will be required for manufactured home move-ons.
- (3) Manufactured home parks located partly within a Flood Hazard Area which has been delineated to the satisfaction of the Division Director may be issued a "Site License Permit" for each pad located wholly outside the Flood Hazard Area, in which case no additional permits will be required for manufactured home move-ons.
- (4) This exception will be rescinded if the Flood Hazard Area is found to be larger in the future.

(b) Manufactured Home Subdivisions

Manufactured home subdivisions shall be designed in compliance with Travis County's "Standards for Construction of Streets and Drainage in Subdivisions" and shall dedicate the flood hazard area as a drainage easement. All manufactured homes in the subdivision shall require a permit, with no allowance for move-ons.

(c) Existing Manufactured Homes in Non-Conformance

Existing manufactured homes in non-conformance with these Guidelines and Regulations (see Regulations Sec. 5.C.1 and Sec. 8) shall be brought into compliance if they are moved off the site, damaged more than 50% of the fair market value, or propose to have substantial improvements.

§ 64.060 AGRICULTURAL DEVELOPMENT

- (a) Much of what can be called agricultural development is classed as unrestricted uses of the flood hazard area and consequently may not require permitting.(see Regulations 4.A.1 and 4.A.2 and 5.A.1).
- (b) Construction of stock ponds, terraces, dikes, ditches and levees and other soil conservation actions to the standards of the Soil Conservation Service and/or under the direction of the

Travis Soil Conservation Districts, qualify as **unrestricted** uses of the flood hazard area, but permit application requirements shall **apply due to compatibility** concerns for the overall waterway.

- (c) Logical extension of this definition includes any construction or construction practice to the standards of, or under the direction of, the Soil Conservation Service or the Travis Soil Conservation Districts.
- (d) Also classed as unrestricted uses are **general farming** and other similar uses consistent with the classes of use delineated in the Regulations Section 4.A.
- (e) Categorized under general farming are **temporary** structures such as animal pens, cribs, temporary crop covers and machinery storage sheds, wells and well installations primarily for stock or crop use, open wire fences such as stranded barbed wire, sheep wire, goat wire, and in general, any type of open agricultural fence that has large openings for passage of water.
- (f) Agricultural development for which **permit application** shall be required will, for most farm and ranch operations, be limited to **structures**, large permanent barns, shops, poultry facilities and similar buildings.

§ 64.061 EXISTING DEVELOPMENT (In Non-Conformance)

- (a) The Flood Plain Management Regulations of Travis County and the National Flood Insurance Program are not retro-active. This means that all development now in place (prior to May 3, 1976) may be insured. A non-conforming use is any existing use allowed which does not meet with the requirements of these Guidelines and Regulations.
- (b) A non-conforming use shall be brought into compliance with these Guidelines and Regulations if a substantial improvement is made. Substantial Improvement is defined as any repair, reconstruction or improvement of a structure or infrastructure in excess of fifty percent (50%) of the fair market value of the **unrepaired, unreconstructed or unimproved** structure or infrastructure at the time the permit application is made. Any repair, reconstruction, or improvement of a structure or infrastructure made since March 28, 1995 shall accumulate toward the 50 percent (50%) figure.

§ 64.062 UTILITIES AND INDIVIDUAL SEPTIC TANK SYSTEMS

- (a) Requirements for public and private water and wastewater collection systems and on-site waste disposal systems (which includes individual septic tank systems) are noted in Section 5.D.1 and Section 7 of the Regulations (see Appendix A, pages A-15 and A-17).
- (b) Permits will be required for installation of all utilities such as water and wastewater lines, gas lines, telephone and electric lines and **related** facilities.
- (c) Individual septic tank systems are required to be approved by the Austin/Travis County Health Department, Environmental Health Services Division, or the Environmental Department of the Lower Colorado River Authority and proof of application is required prior to issuance of a County development permit.
- (d) The authority of the Austin/Travis County Health Department extends to all proposed systems in the unincorporated areas of Travis County.

- (e) The Austin/Travis County Health Department may not issue a permit for septic tank systems whose drain field is located in a flood area and may deny permit for a septic tank system for a lot partially in the flood area if adequate space is not available (see Private Waste Facilities Regulation Manual). Consequently, for development depending on on-site septic tank systems, location in a flood hazard area may be more critical because of Austin/Travis County Health Department regulations than because of Travis County Flood Plain Management Regulations.
- (f) Within the water quality zone and restricted zone as defined by the Texas Water Quality Board Order No. 71-0917-9 for Lake Travis, as modified by Executive letter dated January 31, 1972, the Environmental Department of the Lower Colorado River Authority (LCRA) regulates all permits for septic tank systems.
- (g) The Lake Travis water quality zone is defined as being 2,000 feet horizontally beyond elevation 691 feet above mean sea level and in some areas may extend into the flood hazard area. In these areas, a Lower Colorado River Authority permit would be a condition for a flood hazard area development permit.

§ 64.063 **DISCLAIMER AND LIABILITY STATEMENT**

- (a) The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the areas of flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. These Regulations shall not create liability on the part of Travis County or any officer or employee thereof for any flood damages that result from reliance on these Regulations or any administrative decision lawfully made thereunder.

SUBCHAPTER A.

§64.001 Findings and General Authority

A. Findings.¹ The Travis County Commissioners Court makes the following findings:

1. The flood hazard areas of Travis County are **subject** to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by:

(a) the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and

(b) the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inappropriately placed and/or inadequately elevated, floodproofed, or protected from flood damage;

B. General Authority.

1. The Travis County Commissioners Court is authorized to adopt floodplain regulations designed to promote the public health, safety, and general welfare of its citizenry.

2. Pursuant to the authority granted to it by the Texas Legislature in Sections 16.3145 and 16.315 of the Texas Water Code, the Travis County Commissioners Court is authorized to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program, including but not limited to:

- (1) making appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses;
- (2) guiding the development of proposed future construction, where practicable, away from a location which is threatened by flood hazards;
- (3) assisting in minimizing damage caused by floods;
- (4) authorizing and engaging in continuing studies of flood hazards in order to facilitate a constant reappraisal of the flood insurance program and its effect on land use requirements;
- (5) engaging in floodplain management and adopting and enforcing permanent land use and control measures consistent with the criteria established under the National Flood Insurance Act;
- (6) declaring property, when such is the case, to be in violation of local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas and notifying the director, or whomever the director of the Federal Emergency Management Agency ("FEMA") designates, of such property;
- (7) consulting with, giving information to, and entering into agreements with FEMA for the purpose of:

¹ Source: Model ord., Art. I., Section B.

- (A) identifying and publishing information with respect to all flood areas, including coastal areas; and
- (B) establishing flood-risk zones in all such areas and making estimates with respect to the rates of probable flood-caused loss for the various flood-risk zones for each of these areas;
- (8) cooperating with the FEMA director's studies and investigations with respect to the adequacy of local measures in flood-prone areas as to land management and use, flood control, flood zoning, and flood damage prevention;
- (9) taking steps, using regional, watershed, and multi-objective approaches, to improve the long-range management and use of flood-prone areas;
- (10) purchasing, leasing, and receiving property from the FEMA director when such property is owned by the federal government and lies within the boundaries of the political subdivision pursuant to agreements with the Federal Emergency Management Agency or other appropriate legal representative of the United States Government;
- (11) requesting aid pursuant to the entire authorization from the Texas Water Development Board ("TWDB")
- (12) satisfying criteria adopted and promulgated by TWDB pursuant to the National Flood Insurance Program;
- (13) adopting permanent land use and control measures with enforcement provisions which are consistent with the criteria for land management and use adopted by the FEMA director;
- (14) adopting more comprehensive floodplain management rules that the political subdivision determines are necessary for planning and appropriate to protect public health and safety;
- (15) participating in floodplain management and mitigation initiatives such as the National Flood Insurance Program's Community Rating System, Project Impact, or other initiatives developed by federal, state, or local government; and
- (16) collecting reasonable fees to cover the cost of administering a local floodplain management program² ;

§64.002 Purpose and Objectives

- (a) The purpose of this chapter is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (1) Protect human life and health;³
 - (2) Enable Travis County to qualify for the National Flood Insurance program so that property owners may obtain federally subsidized flood insurance for structures;
 - (3) Ensure that potential buyers are notified that property is located in a flood hazard area so that they do not unknowingly buying land and structures which are unsuited for intended purposes because of flood hazards;⁴

¹ Source: Texas Water Code sec. 16.315. Should satisfy Checklist item 1 (citation of statutory authority).

² Current 64.004

⁴ Combined 64.003(3) with Model Ordinance Art. I, Section C(7).

- (4) Limit the burden on taxpayers of public costs, including costs resulting from:
 - (A) Flood relief measures including rescue and emergency preparedness;
 - (B) Costs of any measures which may be required to protect inadvisable future development in the flood plain from being flooded; and
 - (C) Costs of repairing public infrastructure required by a developed flood plain (such as roads and bridges, water and gas mains, and electric, telephone, and sewer lines), which may be subject to frequent flooding damage;⁵
- (5) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (6) Encourage use of flood plain lands in accordance with their natural function as bearers of flood waters.⁶

The purpose of this order is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in Travis County through the establishment of comprehensive regulations for management of flood hazard areas designed to:

- A. protect human life and health;
- B. minimize expenditure of public money for costly flood-control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;⁷ and
- I. enable Travis County to qualify for the National Flood Insurance Program so that property owners may obtain federally subsidized flood insurance for structures.⁸

⁵ List expanded to include items listed in Mod Ord Art I, Section C (5).

⁶ Source: current section 64.003.

⁷ New. 1.3 of draft and Art. I, Section C of Model Ordinance. Should satisfy Checklist item 7 (purpose section citing health, safety, and welfare reasons for adoption).

⁸ Source: current 64.003.

J. Encourage use of flood plain lands in accordance with their natural function as bearers of flood waters.⁹

§64.003. Methods for reducing flood loss

This chapter provides a regulatory system to monitor and manage land use in the County to reduce the likelihood that land use within the County will increase the dangers of flooding. In order to accomplish its purpose and objectives, this chapter utilizes methods and provisions to:

- A. restrict or prohibit land uses that are dangerous to health, safety, or property in times of flood or cause excessive increases in erosion, flood heights, or velocities;
- B. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. control filling, grading, dredging, and other development which may increase flood damage; and
- E. regulate, including prohibiting, the construction of flood barriers which will unnaturally divert flood waters or which may otherwise increase flood hazards in other areas.¹⁰

§64.004. Application.

This order shall apply to all properties in the unincorporated areas of Travis County.¹¹

§64.005. Basis for Identification of Special Flood Hazard Areas¹²

The special flood hazard areas identified by the Federal Insurance and Mitigation Administration (“FIMA”) of the Federal Emergency Management Agency (“FEMA”) in the Flood Insurance Study (“FIS”) dated September 26, 2008 and accompanying Flood Insurance Rate Maps and flood boundary-floodway maps dated September 26, 2008, and all subsequent amendments and revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to Travis County by the Floodplain Administrator. The FIS and accompanying FIRM are on file at the Travis County Transportation and Natural Resources Department, 411 West 13th St., 8th floor, Austin, Texas 78701.

§64.006 Use of other flood hazard data to supplement the effective FIRM.

⁹ Source: current section 64.003.

¹⁰ New. See 1.4 of draft.

¹¹ New. From 3.1 of draft.

¹² Modified slightly from 3.2 of draft. Checklist says 3.2 satisfies items 14 (adoption of correct map and date [60.3(b)] and 15 (adoption of Flood Insurance Study) [60.3(c), (d), or (e)]. Replaces old 64.005.

(a) From time to time elevation and flooding studies are undertaken by or under the auspices of the Federal Emergency Management Agency and local political subdivisions that have responsibility to abate flooding. Upon determination by the Floodplain Administrator that the data generated by such a study appears to be reliable and based upon sound engineering and surveying practices and further that the study's data indicate that the effective FIRMs are materially inaccurate, the Floodplain Administrator may cause the study data to be administered for purposes of this chapter as though it were a part of the effective FIRM. Any such determination shall be issued in writing and a copy shall be placed on file in the office of the County Clerk.

(b) Where the study data are being administered as provided in subsection (a), the following procedures shall apply:

(1) To the extent of any inconsistencies between the study data and the effective FIRM, the more restrictive base flood elevations and special flood hazard areas shall be controlling, and in no instance may any determination or designation that is based on the effective FIRM be reduced by study data.

(2) If alternative base flood elevations exist for a piece of property because of the administration of supplemental data as provided in this section, the applicant shall provide two surveys, one of which shall be based in the effective FIRM and one of which shall be based on the study data.

(3) Any applicant for a plat, permit, or other approval that is denied because of the application of the study data may appeal the denial of the permit, plat, or other approval based on the validity of the study data as applied to the applicant's property or project. The appeal shall be considered in the same manner as a variance application under this chapter. In any such appeal, the Floodplain Administrator shall provide the documentation for the study data; however, the burden of demonstrating that the study data are incorrect as applied to the applicant's property shall rest upon the applicant, and must be supported by the agency then responsible for the study data. Any appeal pursuant to this section shall not result in the change in any of the study data. In addition, if the study data being used has been published by the Federal Emergency Management Administration for comment as a draft or preliminary FIRM:

a. The appeal process shall be limited to the application of the study data by the County to the specific application that is the subject of the appeal;

b. The appeal process shall not be regarded as an appeal under part 67, or a request for map amendment under part 69, of Title 44 of the Code of Federal Regulations;

c. Any outcome of the appeal to the County is in no way binding on the Federal Emergency Management Administration, nor will it affect or limit any action the Federal Emergency Management Administration may take; and

d. Any challenge to the use of the study data as the basis for a FIRM should be separately addressed to the Federal Emergency Management Administration under the applicable federal rules.

(c) For any special flood hazard area for which a floodway has not been designated, the applicant may submit an engineering analysis by a registered professional engineer licensed in the State of Texas that defines the floodway with respect to the site for which a development permit is sought.¹³ Alternative from City of Austin Code 25-7-31:

¹³ Source: section 19-4 of Houston rules.

(d) If an official floodplain map is not available, the owner of property to be developed shall calculate the boundaries of the 100-year floodplain in accordance with the City of Austin's Drainage Criteria Manual¹⁴ and submit the calculation to the Floodplain Administrator for review.

§64.007. Availability of Flood Insurance Study and Flood Insurance Rate Map

The Flood Insurance Study and the Flood Insurance Rate Map and any subsequent revisions or amendments thereto that are being administered as provided in this chapter are available for public inspection in the office of the Executive Manager of TNR during normal business hours.¹⁵

§64.008. Floodplain Administrator Authorized to Promulgate Guidelines

The Floodplain Administrator is expressly authorized to promulgate any guidelines for administration of this chapter that are consistent with the requirements of this chapter and applicable state and federal laws and regulations.¹⁶

§64.009. Obstruction of Waterways Prohibited.

Unless authorized by a site plan approved under applicable Travis County rules, a person may not place or cause to be placed an obstruction in a waterway.¹⁷

§64.010. Duty to Maintain Unobstructed Waterways.

The person in control of real property traversed by a waterway shall keep the waterway free from an obstruction that is not authorized by a site plan.¹⁸

§64.011. Standing Water Declared a Nuisance

A pool of standing water in a waterway that is caused by an unauthorized obstruction in the waterway is declared to be a nuisance.¹⁹

§64.012. Abrogation and Greater Restriction

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, the provisions of this chapter shall take precedence over any less restrictive conflicting law, order, ordinance, code, or official determination. All other regulations inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. For purposes of this chapter, the Floodplain Administrator shall determine which of these conflicting laws, orders, ordinances, codes, or official determinations are most restrictive, and his decision in this regard shall be final.²⁰

¹⁴ If the County wants to require this. I think the County should set out the criteria instead of just referring to the City of Austin's criteria.

¹⁵ Source: 19-1(e) of Houston rules.

¹⁶ Source: 19-1(f) of Houston rules.

¹⁷ Source: 25-7-2 of City of Austin Code.

¹⁸ Source: 25-7-3 of City of Austin Code.

¹⁹ Source: 25-7-4 of City of Austin Code.

²⁰ Sources: current 64.033, 19-1(d) of Houston Rules, 3.4 of draft. Should satisfy item 9 of checklist. Authority: 44 CFR sec. 60.1(d)

§64.013. Warning and Disclaimer of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on maps promulgated by the Federal Emergency Management Agency which are required to be used as a condition for obtaining flood insurance. These maps are based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. Neither the regulations established hereunder nor the issuance of permits hereunder or other approvals granted pursuant to this chapter are intended to imply that lands outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This order does not create liability on the part of the Travis County Commissioners Court or any County officer, employee, agent, or department, the State of Texas, the Federal Insurance and Mitigation Administration, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.²¹

§ 64.014. Severability

If any provision of this ordinance, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid portion, and to this end the provisions of this ordinance are declared to be severable.²²

[Sections 64.015-64.030 Reserved for Expansion.]

SUBCHAPTER B. DEFINITIONS.

§64.031. Definitions

Unless specifically defined below, words or phrases used in this order shall be interpreted so as to give them the meaning they have in common usage and to give this order its most reasonable application.²³

“A” Permit – means Basic Development Permit (the two terms are interchangeable).

“B” Permit – means Special Flood Hazard Area (“SFHA”) Development permit (the two terms are interchangeable).

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.²⁴

“Accessory structure” means an appurtenant structure.²⁵

“Agriculture” means:

- (1) the cultivation of the soil to produce crops;
- (2) horticulture, floriculture, or viticulture;

²¹ Sources: current 64.034 and 64.063, 3.6 of draft and 19-1(c) of Houston rules. Should satisfy item 8 of checklist.

²² Current 64.032.

²³ New.

²⁴ New. NFIP fn 11: “by this definition is restricted to land. The term is commonly used in conjunction with a structure - i.e., accessory structure.”

²⁵ New.

- (3) forestry; or
- (4) the raising or keeping of livestock or poultry.²⁶

(1) "Agriculture" means the use of land to produce plant or animal products, including fish or poultry products, under natural conditions but does not include the processing of plant or animal products after harvesting or the production of timber or forest products.²⁷

"Agricultural[0] use[0]" means any use or activity involving agriculture, including irrigation.²⁸

From Section 23.42 of Tax Code:

(a) Except as provided by Subsection (a-1), an individual is entitled to have land he owns designated for agricultural[0] use[0] if, on January 1:

- (1) the land has been devoted exclusively to or developed continuously for agriculture for the three years preceding the current year;
- (2) the individual is using and intends to use the land for agriculture as an occupation or a business venture for profit during the current year; and
- (3) agriculture is the individual's primary occupation and primary source of income.²⁹

Suggested definition: "Agricultural use" means the use of land for agriculture where:

- (1) the land has been devoted exclusively to or developed continuously for agriculture for the three years preceding the current year;
- (2) the land is being used for agriculture as an occupation or a business venture for profit during the current year; and
- (3) agriculture is the primary occupation and primary source of income for the owner of the land.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this order by the Travis County Commissioners Court.³⁰

"Appurtenant structure" means a structure which is on the same parcel of property as the principal structure to be insured and which is incidental to the use of the principal structure.³¹

"Area of shallow flooding" means a designated AO Zone on a community's Flood Insurance Rate Map ("FIRM") with a 1 percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.³²

²⁶ This is from Section 2.001 of the Agriculture Code.

²⁷ Definition from Tax Code.

²⁸ From the Texas Water Code.

²⁹ From the Tax Code.

³⁰ New

³¹ New. Source: 44 CFR sec. 59.1.

³² New. I've modified the consultant's definition to make it almost identical to the definition in 44 CFR sec. 59.1

“Area of special flood hazard” means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Hazard Boundary Map (“FHBM”) or FIRM as Zone A, AO, and AE. Synonymous with “Special flood hazard area”³³

“Area of special flood-related erosion hazard” –See “Flood-related erosion area” or “Flood-related erosion prone area.”³⁴

“Base Flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). “Base flood” is the term used throughout this order.³⁵

“Base Flood Elevation” (“BFE”) means the elevation shown on the Flood Insurance Rate Map (FIRM) for Flood Zones A, AE, AO that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.³⁶

“Basement” means any area of the building having its floor subgrade - i.e., below ground level - on all sides.³⁷

“Benchmark” refers to a surveyor’s mark made on a permanent landmark of known position and altitude based on a standard reference plane established by the federal government from which elevations are measured. On official FEMA flood maps, benchmarks are referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or National Geodetic Vertical Datum (NGVD) of 1988. See “Elevation Reference Mark.”³⁸

“Building”—see “Structure”³⁹

“Certificate of compliance” shall mean a notarized statement, from the applicant for any permit issued under this chapter, to the effect that the applicant has received all permits, licenses, or approvals then required by federal law, statute or regulation, including but not limited to, permits issued under the authority of Section 404 of the Federal Water Pollution Control Act Amendments of 1972, or required by or under any statute, rule, or regulation of the State of Texas.⁴⁰

“ Commissioners Court” means the Travis County Commissioners Court.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, construction, buildings or other structures, a change in the use of the improved or

³³ New. Source: 44 CFR sec. 59.1.

³⁴ New. 44 CFR sec. 59.1 defines “area of special flood-related erosion hazard” to mean “the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.”

³⁵ New. 44 CFR sec. 59.1.

³⁶ Revised. NFIP comment in fn3: “This is technically correct but all BFEs do not necessarily appear on a FIRM. BFEs can be used for many management purposes that will not show up on a FIRM or LOMC. I suggest the following wording: ‘...indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in a given year.’” Does the County want to follow the suggested wording from NFIP?

³⁷ New

³⁸ New. Not in 44 CFR sec. 59.1.

³⁹ New. Source: 44 CFR sec. 59.1

⁴⁰ New. From City of Houston definitions.

unimproved real estate, mining, dredging, filling, grading, paving, surfacing, excavating or drilling operations, and the storage of equipment or materials.⁴¹

“Development” - the alteration or improvement of land (which involves a change in the use of that land). Some examples of uses fitting this definition under this ordinance are any structures, mobile homes, parking lots, paving and surfacing, substantial improvement to structures, and other uses consistent with this definition.

“Division Director” means the Division Director of Development Services of the Travis County Transportation and Natural Resources Department.⁴²

Division Director - The Division Director of Planning and Engineering Services of the Transportation and Natural Resources Department, Travis County, Texas.

“Drainage Basin” means all of that portion of land which contributes runoff water to a waterway.

“Dry Dock Barge” means a non-residential, commercial structure that is permanently attached to pilings through collars or other engineered means or is otherwise a floating structure that is not self-propelled or readily towable given a two (2) hour warning time and is dependent on land-based utilities and services, provided that the structure is dry flood-proofed and certified by a Registered Professional Engineer.⁴³

“Elevation Reference Mark” or (“ERM”) means a point of vertical ground elevation reference to be shown on the FIRM for comparison to the BFE. ERMs shall be referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or the National Geodetic Vertical Datum (NGVD) of 1988.⁴⁴

“Elevation certificate” means a statement from an engineer or surveyor licensed by the State of Texas on the most current FEMA form certifying that the lowest floor of the structure has been elevated at least as high as required by this chapter.⁴⁵

“Encroachment” means any use or the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.⁴⁶

⁴¹ Revised. 44 CFR sec. 59.1 defines development as “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.” NFIP comment in fn4: “Do you really want to include: ...including a change in use”? This might be okay IF ‘change in use’ ALWAYS results in man-made change to real estate. You might want to check out the definition of ‘Development’ in the Regulation again. It’s your call.” Current definition: the alteration or improvement of land (which involves a change in the use of that land). Some examples of uses fitting this definition under this ordinance are any structures, mobile homes, parking lots, paving and surfacing, substantial improvement to structures, and other uses consistent with this definition.

⁴² Revised. Current definition says Division Director of Planning and Engineering Services at TNR.

⁴³ Revised.

⁴⁴ New

⁴⁵ New. From City of Houston rules.

⁴⁶ Revised. Current definition says “any use which inhibits the hydrologic role of the flood plain.

“Encroachment” - any use which ~~interferes with the~~ **logic role of the flood plain.**

“Executive Director” means the Executive Manager of the Travis County Transportation and Natural Resources Department.⁴⁷

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before April 1, 1982.⁴⁸

* Existing Mobile Home Park or Mobile Home Subdivision - a parcel (or contiguous parcels) of land divided into two or more mobile home lots/sizes for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) was completed prior to the effective date of flood plain management regulations adopted by a community.⁴⁹

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).⁵⁰

“Final Plat” means a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of any Preliminary Plan approval previously granted by the County.⁵¹

~~Flood or Flooding is a temporary or complete inundation of normally dry land areas from overflow of the water~~

Flood” or “flooding” means:

A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland or tidal waters.

(B) The unusual and rapid accumulation or runoff of surface waters from any source.

(C) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

⁴⁷New

⁴⁸ New. Consultant put down date of May 3, 1976. NFIP comment in fn5: “This definition should reference your FIRM date of 1 Apr 1982, not when you entered the program.” Source: 44 CFR sec. 59.1.

⁴⁹ Current definition.

⁵⁰ New. Source: 44 CFR sec. 59.1.

⁵¹ Source: 82.002 of Travis County Code.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.⁵² (k)

“Flood Hazard Areas” - the maximum area of the flood plain likely to be inundated by the 100-year flood.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.⁵³

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.⁵⁴

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood. Synonymous with “Flood Elevation Study.”⁵⁵

“Flood protection system” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.⁵⁶

“Flood-related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash

⁵² This is the definition as found in 44 CFR sec. 59.1. The current defines “flood” or “flooding as “a temporary condition of partial or complete inundation of normally dry land areas from overflow of the waterway.” Consultant put “flood water” as a definition: “flood,” “flooding,” or “flood water” means....However, “floodwater” is not the same thing as flood or flooding.

⁵³ New. The consultant did not include a definition of FHBM, but the term is used in the draft. Source: 44 CFR sec. 59.1.

⁵⁴ Revised.

⁵⁵ New. Note: 44 CFR sec. 59.1. defines “flood elevation study” as “an examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

⁵⁶ New. Source: 44 CFR 59.1. I’ve added this definition because the consultant’s draft refers to a “flood protection system.” (see, e.g., definition of

flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.⁵⁷

“Flood-related erosion area” or “Flood-related erosion prone area” means a land area adjoining the shore of a lake or other body of water, which, due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.⁵⁸

“Flood-related erosion area management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to, emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.⁵⁹

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source - see **“Flooding”**.⁶⁰

“Flooding” - the land adjacent to [redacted] has been or may hereafter be covered by flood waters.

“Floodplain Administrator” is the individual appointed by the Division Director to administer and enforce the floodplain management regulations.⁶¹

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.⁶²

“Floodplain management plan” - a plan which encourages wise use of the flood plain and which affects flood damage.

“Floodplain management regulations” means this order subdivision regulations, health and safety regulations, special purpose orders (such as grading and erosion control), and other applications of police power which control development in flood-prone areas. This term describes federal, state, and local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.⁶³

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents (**Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.**)⁶⁴

⁵⁷ New. Source: 44 CFR sec. 59.1.

⁵⁸ New. Source: 44 CFR sec. 59.1

⁵⁹ New. Source: 44 CFR sec. 59.1.

⁶⁰ Revised.

⁶¹ New.

⁶² Revised. Source:

⁶³ New. Source: 44 CFR 59.1

⁶⁴ Revised.

"Flood-Proofing" - a combination of measures and/or adjustments incorporated in the design and/or construction and alterations to existing individual buildings, structures, or properties subject to flooding intended for the reduction or elimination of flood damages.

"Floodproofing certificate" shall mean a certificate issued by a registered professional engineer licensed in the State of Texas which states that he has developed and/or reviewed the structural design, specifications, and plans for the construction of the structures or improvements covered by the certificate and that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

(1) The floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and,

(2) Together with attendant utility and sanitary facilities, the structures are designed so that below the base flood level the structures are watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.⁶⁵

"Flood Profile" - a profile including profiles provided by FEMA showing various flood water surface levels along a waterway, including the regulatory flood profile.

"Floodway" - the channel and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".⁶⁶

"Floodway fringe" is that area of a floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.⁶⁷

"FIRM Map" - Flood Insurance Rate Map (FIRM) provided by Federal Emergency Management Agency (FEMA).

"Fraud and victimization" as related to **Division 4 of Subchapter C of this order (Variances)**, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Commissioner's Court will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base

⁶⁵New. This definition is from the City of Houston rules.

⁶⁶ Revised. NFIP comment in fn6: "This is a good definition if you use the standard increase of 1 foot to define the floodway, as most communities do. The NFIP Regulation uses the wording, 'more than a designated height' to give communities to adopt a higher standard definition of the floodway, i.e., anything less than 1 foot which restricts the amount of land for development. Some communities stipulate that the entire SFHA is the floodway, and manage it that way. You might want to consider this option as another higher standard." TNR wants to leave as is.

⁶⁷ New.

flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.⁶⁸

"Governing Body" means the Travis County Commissioners Court, which is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.⁶⁹

"Hardship" as related to **Division 4 of Subchapter C, Variances**, of this order means the exceptional hardship that would result from a failure to grant the requested variance. The Commissioner's Court requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.⁷⁰

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.⁷¹

"Historic structure" means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on the State of Texas inventory of historic places.
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

⁶⁸ New. Source: 44 CFR sec. 59.1

⁶⁹ New.

⁷⁰ Move to Section 6.

⁷¹ New. Source: 44 CFR sec. 59.1.

- a. by an approved state program as determined by the Secretary of the Interior, or
- b. directly by the Secretary of the Interior in states without approved programs⁷²

“Levee” means a human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.⁷³

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.⁷⁴

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor as long as such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 C.F.R. sec. 60.3. (see **FEMA Technical Bulletin T-10-01**)⁷⁵

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".⁷⁶

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.⁷⁷

“Market value” means the value of a structure as established by one of the following:

⁷² New. We are required to include a definition for historic structure. Source of definition: 44 CFR sec. 59.1

⁷³ New. Source 44 CFR sec. 59.1.

⁷⁴ New. Source: 44 CFR sec. 59.1.

⁷⁵ New. NFIP comment in fn7 suggests using the definition in 44 CFR sec. 59.1, so the definition above is the same as the definition in sec. 59.1.

⁷⁶ New. Source: 44 CFR sec. 59.1. Note: current chapter 64 defines “mobile home” to mean:

- (i) a mobile home;
- (ii) a manufactured home; or
- (iii) a recreational vehicle that either:
 - (A) is on site for 180 consecutive days or more; or
 - (B) is not fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

I don't know what the difference is between a mobile home and a manufactured home.

⁷⁷ New. Source: 44 CFR sec. 59.1.

- (1) The improvement value assigned to the structure by the Travis Central Appraisal District;
- (2) The computed actual cash value as determined by the FEMA-approved Residential Substantial Damage Estimator (RSDE) methodology;
- (3) An appraisal performed not more than eighteen (18) months prior to a flood event by a certified real estate appraiser licensed by the Texas Appraiser Licensing and Certification Board; or
- (4) Any other similar method acceptable to the Floodplain Administrator.

Market value shall not include the value of land, landscaping, or detached accessory structures on the property.⁷⁸

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or National Geodetic Vertical Datum (NGVD) of 1988, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.⁷⁹

“National Geodetic Vertical Datum” (NGVD) as corrected in 1929 and again in 1988 is a vertical control used as a reference for establishing elevations. If a datum other than NGVD 88 is used, then the datum listed as the reference datum on the applicable FIRM panel for use on Elevation Certificate completion will be used.⁸⁰

“New construction,” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after May 3, 1976⁸¹, and includes any subsequent improvements to such structures.⁸²

“New manufactured home park or subdivision” means a manufactured home park or subdivision with more than 2 manufactured homes for rent or sale.

⁷⁸ This definition is from City of Houston’s rules. City of Houston’s definition just says that market value does not include the land value; the phrase regarding landscaping and accessory structures is from 64.027(b)(1).

⁷⁹ New. 44 CFR sec. 59.1 says “Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.” Do we want to say “or other datum” or restrict the definition to the NGVD.

⁸⁰ New. From consultant’s draft.

⁸¹ Should this be April 1, 1982? See footnote about NFIP comment regarding the definition of existing manufactured home park or subdivision. The definition in 44 CFR sec. 59.1 states:

New construction means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced *on or after the effective date of a floodplain management regulation adopted by a community* and includes any subsequent improvements to such structures. (emphasis added).

⁸² New. Source: 44 CFR sec. 59.1. NFIP’s comment in NFIP’s footnote 8 says that our definition of new construction should be as it is in 44 CFR sec. 59.1. The consultant’s definition omitted the part about the meaning of new construction for the purposes of determining insurance rates.

The construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 1, 1999.⁸³

“Non-Conforming Use” means any development that does not conform to FEMA Code of Federal Regulations (CFR) for the National Flood Insurance Program (NFIP) or to provisions of this order.

“Non-Residential” refers to and includes, but is not limited to, business concerns, churches, schools, farm buildings (including grain bins and silos), pool-houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, subdivision infrastructure, roadway construction, warehouses, and hotels or motels with normal room rentals for less than 6 months’ duration, and more than 2 manufactured homes for rent or sale.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“One-hundred-year flood” or “100-year flood” - see **“Base flood.”**

“100-Year Flood” - the highest level of flood that, on the average, is likely to occur once every 100 years (a one percent chance of occurrence in any given year).

“Obstruction” - any man-made structure that impedes the flow of the 100-year flood.

“Plat” means a map, chart, survey, plan, or replat of a specific land area such as a town, section, or subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, landmarks, and monuments depicted.⁸⁴

“Preliminary Plan” means a map or drawing of a proposed subdivision illustrating the features of the development submitted either as a required part of an application for approval of a Final Plat or, at the election of the Owner, prior thereto, for preliminary approval.⁸⁵

“Post-FIRM Construction” means construction or substantial improvement that started on or after April 1, 1982, the effective date of the initial Flood Insurance Rate Map (FIRM) for Travis County.

“Pre-FIRM Construction” means construction or substantial improvement which started on or before April 1, 1982, the effective date of the initial Flood Insurance Rate Map (FIRM) for Travis County.

⁸³ Do we need this definition?

⁸⁴ Source: 232.021 of Local Government Code and Black’s Law Dictionary

⁸⁵ Source: Section 82.002 Travis County Code.

"Recreational vehicle" means a vehicle which is

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light-duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway boundary is determined from stream flow measurements, rainfall, and other data, and is subject to analysis suitable to such determination.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the order or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.⁸⁶

"Repetitive Loss" means flood-related damages sustained by a structure on two occasions during a ten year period, for which the cost of repair, at the time of each flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

"Residential" refers to a single family, mobile home, or multi-family dwelling, related structures and accessory uses.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area" - see **"Area of shallow flooding"**.

"Site Plan" means a plan for a development, other than a subdivision construction plan, submitted by an applicant to demonstrate that the development complies with the requirements of this chapter and other applicable Travis County regulations.⁸⁷

"Solid Waste" means solid, liquid, semisolid, or contained gaseous waste resulting from or incidental to municipal, community, commercial, industrial, agricultural, mining, or recreational activities, including sludge, garbage, rubbish, refuse, ashes, street cleanings, dead animals, abandoned automobiles, and other discarded material. The term does not include either solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code, or

⁸⁶ New. Source: 44 CFR sec. 59.1.

⁸⁷ Modified from Chapter 25 of City of Austin Code.

soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements.

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, AE.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of ~~posts~~ the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Subdivision" means the division of any lot, or parcel of land into two or more lots, sites or dwelling units, where such division will require the reservation of land for public or private access to the lots, sites or dwelling units created or where such division is for the purpose of building development, whether immediate or future. This includes condominium regimes and manufactured home parks.

"Subdivision" means the division of any lot, or parcel of land into two or more lots or sites where such division will require the reservation of land for public or private access to the lots or sites created or where such division is for the purpose of building development, whether immediate or future.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its "before damaged condition" would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure or infrastructure, the cost of which equals or exceeds 50 percent of the market value of the structure or infrastructure, before the "start of construction" of the improvement. Any repair, reconstruction, or improvement of a structure or infrastructure made since March 28, 1995 shall accumulate toward the fifty percent (50%) figure. The term "Substantial Improvement" includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".⁸⁸

"Substantial Improvement" - any reconstruction, addition, or improvement of a structure or structure that increases the market value of the unimproved structure at the time permit application is made for such reconstruction, addition, or improvement to a structure or structure made since the structure was last substantially damaged (50% or more). The term "Substantial Improvement" shall not include "Substantial Damage," regardless of the amount of damage.

"Variance" means a grant of relief from the requirements of this order which permits construction in a manner that would otherwise be prohibited by this order

"Violation" means the failure of a structure or other development to be fully compliant with this order. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this order is presumed to be in violation until such time as that documentation is provided.⁹⁰

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or Geodetic Vertical Datum (NGVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Water Surface Elevation" - heights in relation to mean sea level to be reached by floods of various frequencies at pertinent point in the flood plain.

"Waterway" - a river, stream, creek branch, drainway or natural or artificial water course including any portions thereof which are ponds, lakes, or reservoirs, and which confines and conducts continuously or periodically flowing water.

[Sections 64.032 to 64.040 reserved for expansion]

SUBCHAPTER C. REGULATORY SYSTEM FOR PERMITS AND PLATS.

Division 1. Generally

Section 64.041. In general.

⁸⁸ Source: 44 CFR sec. 59.1.

⁸⁹ Current definition.

⁹⁰ Source: 44 CFR 59.1.

No building permit, paving permit, utility construction permit or other permit required for a structure or development shall be issued, and no plat shall be approved, unless the applicant demonstrates that the permit or plat meets the applicable requirements of this chapter, or unless a variance, excepting such structure or development from the provisions of this chapter, is granted under the terms of this chapter.⁹¹

§64.042. Duties of the Floodplain Administrator⁹²

The Floodplain Administrator is charged with exercising best engineering judgment in the administration and implementation of the provisions of this chapter. His duties in this regard shall include, but are not limited to, the following:

(1) Maintaining for public inspection and furnishing upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRM, all records pertaining to the provisions of this chapter, including a record of all floodproofing certificates filed hereunder with the specific elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and including whether or not such structures contain a basement, and if a structure has been floodproofed, the elevation, (in relation to mean sea level) to which the structure is floodproofed.⁹³

(2) Reviewing, approving, or denying all applications for development permits required by the adoption of this chapter.

(3) Reviewing applications for development permits to ensure that all necessary licenses, approvals, or permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(4) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), making the necessary interpretation of the maps which shall be liberally construed by the Floodplain Administrator in favor of inclusion of the site in a special flood hazard area.

(5) Notifying adjacent communities and the State Coordinating Officer prior to any alteration or relocation of a watercourse which will have a discernable effect on the adjacent community, and submitting evidence of such notification to the Federal Emergency Management Agency.⁹⁴

(6) Notifying adjacent communities prior to substantial commercial developments and large subdivisions to be undertaken in areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards.⁹⁵

⁹¹ Source: 19-11 of City of Houston rules.

⁹² Compare with current section 64.028.

⁹³ Source: 4 CFR 59.22(a)(9)(iii). See also 44 CFR 60.3(b)(5). Should satisfy Checklist item 25.

⁹⁴ Part of responsibilities under current 64.028. See also 44 CFR 60.26(c). I think this also satisfies the requirement in 44 CFR 60.3(b)(6) that the community) "notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator." This should satisfy Checklist item 26.

⁹⁵New. Source: 44 CFR 60.26(c), which says: "A community should notify adjacent communities prior to substantial commercial developments and large subdivisions to be undertaken in areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards."

(7) Cooperate with the responsible local, state, and federal agency to maintain the flood-carrying capacity of the altered or relocated portion of any watercourse within the unincorporated areas of the County.⁹⁶

(8) When and where base flood elevation data has not been provided, obtaining, reviewing and reasonably utilizing any base flood elevation data and floodway data available from a federal, state or other source including any information obtained in connection with the provisions of **section 64.006** of this chapter, as criteria in administering the applicable provisions of this chapter.⁹⁷

(9) Where an amendment or supplement to a FIRM that is being administered as provided in section **64.006** of this Code expresses base flood elevation based on different data than the FIRM it amends or supplements, reconciling the conflicting data to determine the more restrictive base flood elevation.⁹⁸

(10) To collect all fees set by the Commissioners Court necessary to recover costs incurred in meeting the requirements of this chapter.

(11) To submit on the anniversary date of the County's notification of eligibility in the Flood Insurance Program an annual report to the Federal Insurance Administration on the progress of flood plain management measures in Travis County.

(12) To perform all other duties necessary to insure that the requirements of this order are satisfied.⁹⁹

§64.043 STORMWATER CONVEYANCE AND DRAINAGE FACILITIES.¹⁰⁰

(A) The owner or developer of property to be developed is responsible for the conveyance of all stormwater flowing through the property, including stormwater that:

- (1) is directed to the property by other developed property; or
- (2) naturally flows through the property because of the topography.

(B) Future upstream development shall be accounted for as determined under the Drainage Criteria Manual.

(C) If the construction or improvement of a storm drainage facility is required along a property line that is common to more than one property owner, the owner proposing to develop the property is, at the time the property is developed, responsible for each required facility on either side of the common property line.

(D) The responsibility of the owner proposing to develop the property includes the responsibility to dedicate or obtain the dedication of any right-of-way or easement necessary to accommodate the required construction or improvement of the storm drainage facility.

⁹⁶ This should satisfy Checklist item 27.

⁹⁷ This should satisfy Checklist item 24.

⁹⁸ 19-12 of Houston rules.

⁹⁹ Items 9-13 are from current 64.028. Does TNR want to retain these items in the order?

¹⁰⁰ 30-4-151 of Austin-Travis County Subdivision Regulations.

(E) If an owner of property proposes to develop only a portion of that property, a stormwater drainage facility to serve that portion of the property proposed for immediate development or use is required, unless the platting official determines that construction or improvement of a drainage facility outside that portion of the property to be developed is essential to the development or use of the property to be developed.

(F) The owner or developer shall provide adequate off-site drainage improvements to accommodate the full effects of the development. The County may assist the owner or developer in the acquisition of an interest in property necessary to provide an off-site improvement, if the owner or developer:

- (1) by affidavit, certifies that a bona fide attempt to provide the off-site drainage improvements has not been successful; and
- (2) provides an adequate guarantee that the owner or developer will:
 - (a) finance the entire cost of acquiring the necessary property interest; and
 - (b) retain full responsibility for construction of the required off-site improvement.

§ 64.044. DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY.¹⁰¹

(a) The owner of real property proposed to be developed shall dedicate to the public an easement or right-of way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain.

(b) An easement or right-of-way required by Subsection (A) must be:

- (1) a minimum of 25 feet in width for an open drainage system; or
- (2) a minimum of 15 feet in width for an enclosed drainage system.

(c) The owner of the property shall dedicate any additional easement or right-of-way that is necessary to allow continuous access for the operation, maintenance, or rehabilitation of a drainage facility.

(d) A part of a lot or tract of land that is located in an easement or right-of-way required by this section may be included as part of the area of the lot or tract of land in the calculation of density or impervious cover.

[Sections 64.045-64.050 reserved for expansion]

DIVISION 2. Plat Procedure

§64.051. Plat approval; issuance.

¹⁰¹ 30-4-152 of Austin-Travis County Subdivision Regulations.

(a) Any person who is required or elects to obtain a plat shall also comply with the provisions of this chapter, if applicable, and any applicable subdivision regulations adopted solely or jointly by the Travis County Commissioners Court.

(b) When a person files an application for approval of a plat, the approval of the plat is subject to the approval of a drainage plan for the property that is the subject of the plat application if the property is located in whole or in part in a special flood hazard area within the County. The drainage plan shall include the base flood elevation data for the property certified as true and correct on the face of the drainage plan by a registered professional engineer licensed in the State of Texas. If alternative base flood elevations exist for the property because of the administration of supplemental data as provided in this chapter, the drainage plan shall include both base flood elevations.

(c) If an official floodplain map is not available, the owner of property to be developed shall calculate the boundaries of the 100-year floodplain in accordance with the City of Austin Drainage Criteria Manual and submit the calculation to the director for approval.

(d) If the Floodplain Administrator determines that Federal Emergency Management Agency regulations require a submission to the agency of a request for a flood insurance rate map revision, the Floodplain Administrator may require that the owner of property to be developed submit the revision request.

(e) A person who files an application for approval of a preliminary plan, final plat, subdivision construction plan, or site plan shall depict, as applicable:

(1) on a preliminary plan or subdivision construction plan:

- (a) a 100-year floodplain;
- (b) a FEMA floodplain; and
- (c) a drainage easement or proposed drainage easement;

(2) on a final plat:

- (a) a drainage easement; and
- (b) a portion of a FEMA floodplain that is outside a drainage easement; or

(3) on a site plan:

- (a) a 100-year floodplain;
- (b) a FEMA floodplain; and
- (c) a drainage easement.

(f) If a portion of a FEMA floodplain is outside a drainage easement, the owner of property to be developed shall, on a final plat:

(1) identify the portion of the FEMA floodplain that is outside the drainage easement, including the community and panel number of the flood insurance rate map; and

(2) include a note that:

- (a) refers the reader to federal regulations governing development in a FEMA floodplain;
- (b) states that flood insurance may be required; and
- (c) describes efforts to revise the flood insurance rate map.

(g) The Floodplain Administrator shall review the drainage plan and determine whether the development will be reasonably safe from flooding and whether such proposed development is:

(1) Consistent with the need to minimize flood damage within the special flood hazard area;

(2) To be constructed so that all public utility facilities including, but not limited to, sanitary sewer, gas, water and electrical systems are located and constructed so as to minimize flood damage from the base flood;

(3) To be constructed so that drainage is provided to reduce exposure of such development to flood hazards; and

(4) Would comply with the applicable requirements of Subchapter D__ (Standards for Flood Hazard Reduction) of this chapter.¹⁰²

¹⁰² 19-3 of Houston rules. Should we instead or in addition, include something like this in the County's regulations (from City of Austin sec.25-7-32):

(C) If an official floodplain map is not available, the owner of property to be developed shall calculate the boundaries of the 100-year floodplain in accordance with the Drainage Criteria Manual and submit the calculation to the director for approval.

(D) If the director determines that Federal Emergency Management Agency regulations require a submission to the agency of a request for a flood insurance rate map revision, the director may require that the owner of property to be developed submit the revision request.

(E) A person who files an application for approval of a preliminary plan, final plat, subdivision construction plan, or site plan shall depict, as applicable:

(1) on a preliminary plan or subdivision construction plan:

- (a) a 100-year floodplain;
- (b) a FEMA floodplain; and
- (c) a drainage easement or proposed drainage easement;

(2) on a final plat:

- (a) a drainage easement; and
- (b) a portion of a FEMA floodplain that is outside a drainage easement; or

(3) on a site plan:

(h) If the proposed development satisfies the criteria in subsection (g) of this section, the Floodplain Administrator shall approve the drainage plan and shall so notify the Commissioners Court in writing.

(i) The Commissioners Court shall not approve a final plat until the Floodplain Administrator has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to §64.062 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a feature of the property. The obligation to have a mitigation feature shall continue in perpetuity and shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the Floodplain Administrator pursuant to § 64.008 of this Code.

(f) All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) shall include base flood elevation data within such proposals.¹⁰³

[Sections 64.052-64.060 reserved for expansion]

DIVISION 3. THE PERMIT PROCESS

§64.061. Regulatory process for permits; expiration of permits.¹⁰⁴

- (a) a 100-year floodplain;
- (b) a FEMA floodplain; and
- (c) a drainage easement.

(F) If a portion of a FEMA floodplain is outside a drainage easement, the owner of property to be developed shall, on a final plat:

(1) identify the portion of the FEMA floodplain that is outside the drainage easement, including the community and panel number of the flood insurance rate map; and

(2) include a note that:

- (a) refers the reader to federal regulations governing development in a FEMA floodplain;
- (b) states that flood insurance may be required; and
- (c) describes efforts to revise the flood insurance rate map.

¹⁰³ Subsection (f) should satisfy checklist item 23. Would TNR like to require this of all subdivision proposals, regardless of the size? Consultant's draft 5.8D says "All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall be required to produce Base Flood Elevation Data, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section (B)(8) of this order."

(a) A development permit or Flood Hazard Area Development Permit is required before any construction or other development begins within the unincorporated areas of Travis County including the following: the subdivision of land, installation of utilities, the placement and replacement of manufactured homes, new construction and repair, reconstruction, rehabilitation, or additions to new construction and substantial improvement of existing buildings and structures, including restoration after damage.¹⁰⁵ All non-residential development and multi-family dwellings with four or more units shall also comply with any applicable subdivision regulations adopted solely or jointly by the Travis County Commissioners Court.¹⁰⁶ Any development within a special flood hazard area shall be unlawful without a development permit, regardless of whether a plat is required under any applicable subdivision regulations adopted solely or jointly by the Travis County Commissioners Court.¹⁰⁷ A development permit is required in addition to any other permit that may be required for the development activities proposed.

(b) Any change in use of property within a special flood hazard area that is reasonably likely to change the conveyance capacity or diminish the storage volume of the special flood hazard area, including, but not limited to, the construction, alteration, or removal of structures, the removal or addition of fill, and the clearing of vegetation, is unlawful without a development permit.

(c) A development permit will expire if development has not commenced within six (6) months of issuance, and upon completion of the project for which it is granted, or after five years has elapsed from the date of permit issuance, whichever occurs first.

Section 64.062. Development permit application.¹⁰⁸

(a) An applicant for a development permit shall submit a development permit application on forms furnished by the Floodplain Administrator for that permit along with plans in triplicate,¹⁰⁹ drawn to scale, showing:

(1) The existing topography and the location, dimensions of the area in question, and elevation of the lot, fill, storage of materials, and any proposed alterations, including landscape alterations;

(2) Existing and proposed structures, including the placement of manufactured homes;

(3) The location of the proposed alterations in relation to special flood hazard areas;

(4) Elevation in relation to mean sea level of the lowest floor of all proposed structures and substantial improvements;

(5) Elevation in relation to mean sea level to which any structures will be or have been floodproofed;

¹⁰⁴ 19-16 of City of Houston rules.

¹⁰⁵ Required by 60.3(a)(1) when the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coast high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the NFIP. Most of this language has been borrowed from City of Austin Code G102.1.

¹⁰⁶ Modified from 4.1 of consultant's draft.

¹⁰⁷ Need to find the specific sections.

¹⁰⁸ See consultant's draft 4.1 (checklist says 4.1 is a higher standard than with item 17) b/c it requires a permit for all development. From 19-17 of City of Houston rules.

¹⁰⁹ City of Houston and model ordinance require plans in duplicate. Current 64.009(b) requires plans in triplicate.

(6) If the site is adjacent to a watercourse or drainage channel, the definition of how that watercourse or drainage channel will be impacted;

(7) Base flood elevations from effective FIRM data for all structures and substantial improvements; except that, this information is not required for Zone A where base flood elevation data has not been provided and must be developed from federal, state, or other sources; and

(8) For all new construction, additions to existing structures, and substantial improvements, all base flood elevation lines and corresponding labels, as shown on the FIRM, that intersect the proposed development, as well as the nearest base flood elevation lines and corresponding labels both upstream and downstream of the site.

(9) Valley cross-sections showing the waterway, elevation of land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and regulatory flood water surface elevation of that section.

(10) Plans showing elevations of contours of the ground; size, location, and spatial arrangement of all proposed and existing structures on the site. The topographic (contour) information where required shall be certified as accurate by a Registered Professional Engineer, or Public Land Surveyor.

(11) Location and elevation of streets, water supply, and sanitary facilities.

(12) Photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

(13) A profile showing the slope of the bottom of the waterway or flow line of the stream.

(14) Detailed hydraulic calculations prepared by a Registered Professional Engineer showing the net effect of the proposed development on all hydraulic parameters of the waterway(s), and also showing that the proposed development will not change the conveyance capacity or diminish the storage volume of the special flood hazard area. Such calculations shall also be accompanied by detailed hydrologic computations of the regulatory flood levels and discharges through the affected waterways unless such levels and discharges are furnished by the Floodplain Administrator.

(15) All specifications and details necessary for complete review of design for such building construction as the Floodplain Administrator may reasonably require any flood-proofing within the flood hazard area and for filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities within the Flood Hazard Area.¹¹⁰

(16) a description of the proposed development including use and number of units; address and legal description of the proposed development; heated and cooled (HVAC) square footage of the structure; approximate cost of the proposed development and; the name and mailing address of the property owner and permit applicant. .¹¹¹

¹¹⁰ 9-15 are from current 64.009(c) - (i). I've modified (15) from 64.009(i) to say "as the Floodplain Administrator may reasonably require" instead of just saying "as may reasonably require."

¹¹¹ From consultant's draft 4.1.A.

- (17) Permit fees in accordance with the current fee schedule adopted by the Commissioners Court
- (18) Foundation design detail, including but not limited to:
 - a. proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - b. for a crawl-space foundation, location and total net area of foundation openings as required in FEMA Technical Bulletins 1-93 and 7-93; and
 - c. for foundations placed on fill, the location and height of fill, and compaction to be achieved (compacted to a minimum of 95 percent using the Standard Proctor Test method);¹¹²
- (19) the proposed elevation in relation to mean sea level to which any structure without living space will be floodproofed, as required in FEMA Technical Bulletin TB 3-93;¹¹³
- (20) a description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.¹¹⁴

(b) Each sheet in the plans on which elevations are marked shall include the vertical datum and adjustment, consistent with the effective FIRM, along with the site benchmark used for vertical control; except that, if the plan elevations are not on the same vertical datum as the base flood elevations shown on the effective FIRM, each sheet in the plans on which elevations are marked shall also show tabulated vertical datum differences.

(c) The applicant shall also provide a certificate of compliance with copies of all supporting permits, licenses, and approvals, and a floodproofing certificate¹¹⁵ where floodproofing is or may be required by the applicable provisions of this chapter.

(d) For areas that the Floodplain Administrator has determined have no conveyance capacity, the applicant shall submit documentation that demonstrates that the development will not, at any time, diminish the storage volume of the special flood hazard area and:

(1) Identifies an amount of de minimis fill associated with pier and beam construction for which mitigation is not required, in accordance with rules and regulations promulgated by the Floodplain Administrator pursuant to **§64.008** of this Code; or

(2) Demonstrates that any loss of storage volume will be mitigated on-site, such that there is no net fill; or

(3) Demonstrates that any loss of storage volume will be mitigated off-site in accordance with rules and regulations promulgated by the director pursuant to **§64.008** of this Code; or

(4) Demonstrates any combination of items (1) through (3) of this subsection.

(e) For areas that the Floodplain Administrator has determined to have conveyance capacity and for areas for which the Floodplain Administrator has made no determination of conveyance

¹¹² From 4.1E.1. of Consultant's draft.

¹¹³ From 4.1E.1. of Consultant's draft.

¹¹⁴ 18-20 are from consultant's draft 4.1.E. If we include these items, we need to check for duplicates/redundant items and also determine if there are more up-to-date bulletins that we should use instead.

¹¹⁵ Current 64.012 says

Where flood-proofing is utilized for a particular structure in accordance with the above requirements, the Division Director may require that a Registered Professional Engineer or Architect certify that the flood-proofing methods are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

capacity, the applicant shall submit an engineering analysis certified by a professional engineer licensed in the State of Texas that demonstrates that the development will not, at any time, either change the conveyance capacity or diminish storage volume of the special flood hazard area; except that, if the applicant submits a Conditional Letter of Map Revision approved by the Federal Emergency Management Agency, the engineering analysis need only demonstrate that the development will not, at any time, diminish storage volume of the special flood hazard area.

(f) The Floodplain Administrator shall, from time to time, prepare and submit for approval by motion of the Commissioners Court a schedule of fees that shall be paid by an applicant for a development permit or a variance. Payment of any applicable fees when due is a condition of the processing of any application under this chapter.

(g) In addition to other responsibilities under this chapter, the Floodplain Administrator shall review each permit application to verify compliance with the provisions of this chapter.

§ 64.063 State and Federal Permits

- (a) For proposed development within the flood hazard area, the applicant¹¹⁶ or his agent shall verify that all necessary reviews and/or permits have been received from those governmental agencies from which approval is required by Federal or State law.
- (b) Where the proposed development is within the flood hazard area of waterways meeting the sustained flow criteria of Section 404 of the Federal Water Pollution Control Act Amendments of 1972, the applicant or his agent shall verify that the construction meets the blanket permit requirements in effect in the State of Texas under Section 404, or shall provide evidence that a special permit for the development has been issued by the Corps of Engineers under Section 404.¹¹⁷

§ 64.064. OTHER APPROVALS AND PERMITS¹¹⁸

- (1) All applicable federal, state, county, and city requirements and/or approvals shall be acquired prior to issuance of a County development permit.
- (2) Permits and fees required by different agencies shall not preclude the need for a Travis County development permit. Permit fees for the County development permit will not be waived due to any concurrent jurisdiction.

§ 64.065. Additional requirements.

Where flood-proofing measures are required, they shall be designed consistent with the regulatory flood water surface elevation for the particular area, flood velocities, duration, and other factors associated with the regulatory flood. The Floodplain Administrator may require that

¹¹⁶ I've substituted in the word "applicant" for the word "permittee" because the word "permittee" implies that a development permit has already been issued.

¹¹⁷ Current 64.015. Combine with subsection (b) above? I deleted the reference to 33 U.S.C. sec.1334 because I could not find this citation in the U.S. Code.

¹¹⁸ Current 64.058.

the applicant for a development permit submit a special flood-proofing plan that includes, but is not limited to, the following measures:¹¹⁹

- (1) Anchorage to resist flotation and lateral movement.
- (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures or relieve flood pressures.
- (7) Construction of water supply and waste-treatment systems so as to prevent the entrance of flood waters.
- (8) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (9) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into buildings and structures.
- (10) Location of all electrical equipment and circuits consistent with the need to protect them from inundation.
- (11) Location of all storage facilities for chemicals, explosives, buoyant materials which may be hazardous to public health, safety, and welfare outside of the flood plain;¹²⁰
- (12) A survey, signed and sealed by a public surveyor licensed in the State of Texas, of property ownership of the site,
- (13) An interim drainage plan for the site for the duration of the development activities;
- (14) An indication of the source of fill material and the proposed disposal site, if applicable, and the expected duration of the development activities;
- (15) An engineering analysis, signed and sealed by a registered professional engineer licensed in the State of Texas, as required by the Floodplain Administrator; and
- (16) Any other relevant documentation requested by the Floodplain Administrator.¹²¹

§ 64.066. Approval or Denial of Development Permit

The Floodplain Administrator's decision to grant or deny a permit will be based on all of the provisions of this order and the following factors:

- A. The danger to life and property due to flooding or erosion;
- B. The susceptibility of the proposed development and the contents of any structure to flood damage and the effect of such damage on the individual owner;

¹¹⁹ Current section 64.010 says "The Division Director may require that the applicant submit a special flood-proofing plan including, but not limited to any of the following measures..."

¹²⁰ Items 1-11 are from current 64.010.

¹²¹ Items 12-16 are from Houston rule 19-18.

- C. The danger that materials may be swept onto other properties or cause injury to others;
- D. The compatibility of the proposed use with existing and anticipated development including compliance with platting provisions;
- E. The safety of access to and exit from the site in times of flood for ordinary and emergency vehicles;
- F. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- G. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- H. The necessity to the facility of a waterfront location, where applicable;
- I. The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
- J. The compatibility of the proposed use to the comprehensive plan for that area.¹²²

§ 64.067. Work on public property

- (a) If the Floodplain Administrator determines that the proposed development or substantial improvements will occur entirely within public streets, roads, easements, rights-of-way, or public property of any kind, the Floodplain Administrator shall deny the application for a permit unless and until the applicant has obtained the approval of the Commissioners Court for proceeding with the development.
- (b) If the Floodplain Administrator determines that the proposed development or substantial improvements will occur partly within public streets, roads, easements, rights-of-way, or property of any kind and partly within property owned by the applicant or the applicant's principal, the Floodplain Administrator may deny the application unless and until the applicant shall have secured the approval of the Commissioners Court for proceeding with the development.
- (c) If the applicant secures the approval of the Commissioners Court pursuant to ~~Section 5.A.3 subsection (a)~~ or ~~Section 5.A.4 subsection (b)~~ or if the Floodplain Administrator elects to issue a permit without the approval of the Commissioners Court pursuant to ~~Section 5.A.4 subsection (b)~~, then a Flood Hazard Area Permit ("B" Permit) shall be required, regardless of whether any portion of the proposed development or substantial improvements will occur in the flood hazard area. In such case, the Floodplain Administrator shall be authorized to require, in addition to any other requirements which may be required for a Flood Hazard Area Permit, such information, documentation, and security as may be reasonably necessary to insure that the portion of the proposed development or substantial improvements which will

¹²² From consultant's draft 4.2. Just like Section C(2) of model ordinance except that model ordinance does not include J. See also 19-19 of Houston rules.

occur within public streets, roads, easements, rights-of-way, or property of any kind, shall be completed in a good and workmanlike manner and in accordance with the plans and specifications presented to the Floodplain Administrator, including, but not limited to, a performance bond, Letter of Credit, or cash deposit in the full amount of the cost of completion, as estimated by the Floodplain Administrator, of that portion of the proposed development or substantial improvements which will occur within public streets, roads, easements, right-of-way, or property of any kind.¹²³

§ 64.068. Posting of Permit

Upon issuance of an “A” permit or a “B” permit, the applicant shall post the “hard copy” at a conspicuous location adjacent to the job site and protected from the elements.¹²⁴

§ 64.069. Inspections

(a) A permit holder must, as a condition of the permit, to allow County inspectors to enter and inspect the land or premises that is the subject of the permit.

(b) An applicant for an approval under this chapter shall agree in writing to allow County inspectors to enter and inspect the land or premises that is the subject of the application during approval and development.¹²⁵

(c) Inspections shall be performed by the Floodplain Administrator or his agents at various intervals for all construction for which a “B” permit is issued, unless specifically exempted below:

(1) Two inspections may be made for buildings and structures within the flood hazard area; a foundation inspection (after the foundation is in) and a mechanical/electrical inspection (when all mechanical/electrical equipment is exposed in place). For residences and other buildings to be elevated above the flood level in subdivisions where building slab locations and elevations have been previously established and approved, the Floodplain Administrator may waive foundation inspections or receipt of satisfactory field notes and certification by a Registered Professional Engineer or Public Land Surveyor of the State of Texas to the effect that the foundations are set to the approved elevation.

(2) The permittee shall notify the Floodplain Administrator 48 hours before construction is ready for the above inspection.

(3) No use or occupancy of construction for which a “B” permit has been issued will be allowed until a final inspection has been made by the Floodplain Administrator or his agent or satisfactory certification has been received and a signed “Certificate of Occupancy” has been issued. County approval of properties for issuance of federally subsidized flood insurance will be contingent on issuance of the “Certificate of Occupancy.” For the purposes of this regulation, a copy of the “B” permit with inspections noted or certification attached and bearing the words “Certificates of Occupancy” followed by the dated signature of the Floodplain Administrator or his authorized agent, shall be a Certificate of Occupancy meeting the requirements of this paragraph.

¹²³ This is from 64.008(c), (d), and (e).

¹²⁴ Source: current 64.053

¹²⁵ Subsections (a) and (b) are from City of Austin section 25-1-392. The remainder is from current 64.023.

(4) The Floodplain Administrator or his agent may enter any structure or premises to perform any duties responsibilities imposed by this chapter.¹²⁶

§ 64.070. Elevation Certificate

(a) If the development is a residential or non-residential structure the lowest floor elevation required will be noted on the permit. Inspection to assure that this elevation has been met shall be performed by a Registered Professional Engineer, Licensed Architect, or Public Land Surveyor of the applicant's choice. When the inspection has been performed, the inspector shall sign and seal the appropriate space on the required Elevation Certificate, and shall return a copy of this certificate to the Floodplain Administrator's Office. Upon receipt by the Floodplain Administrator's Office of the satisfactorily completed elevation certificate, the permit shall be considered completed, and no further construction or development activities may be implemented pursuant to that permit.¹²⁷

(b) A permittee shall submit an elevation certificate to the Floodplain Administrator before the framing of a structure has started. Failure to do so may result in the revocation of a permit issued hereunder.¹²⁸

§ 64.071. Revocation of permits.¹²⁹

(a) In addition to the remedies provided in **Subchapter G**, whenever the Floodplain Administrator finds that there are grounds for suspension¹³⁰ or revocation of a permit, he shall give written notice to the permittee by personal service or by certified mail, return receipt requested, addressed to the applicant at the address set forth in the permit application. That notice shall set forth:

(1) The specific grounds upon which the permit in question may be suspended or revoked;

(2) The fact that the suspension is in effect when the permittee or his agent is notified of the suspension and a written suspension notice is posted on the property. The notice is deemed to have been given on the third day following mailing if placed in the United States Mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the applicant at the address set forth in the permit application.

(3) The fact that the permittee has fourteen (14) days to commence work to complete action necessary to abate the suspension or the penalties of this chapter will be applied. The suspension will be abated when corrective work is performed and has passed inspection.

(4) After completion of the presentation of evidence by all parties appearing, the Commissioners Court shall make written findings and render a written order as to whether or not there are grounds for suspension or revocation of the permit. If there are such grounds, the Commissioners Court shall suspend or revoke the permit; provided, the Commissioners Court may, in the interest of justice, take such other lesser actions as it may deem appropriate including, but not limited to, the temporary suspension of the permit, the revision of the permit.

¹²⁶ From City of Houston 19-19(d).

¹²⁷ From current 64.053. Does the phrase following "shall be considered complete" sufficient to describe what we mean?

¹²⁸ From City of Houston 19-19(c).

¹²⁹ 19-23 of City of Houston rules.

¹³⁰ 19-23 of City of Houston rules uses the words "revocation" instead of "suspension."

or the addition of permit conditions. A true and accurate copy of the Commissioners Court’s order shall be personally delivered or mailed by certified mail, return receipt requested, to the permittee.

(b) In the event a permit is revoked, suspended, or revised hereunder by the board, the County shall not be liable to any person for any refund of any part of the any permit fees.

(c) Grounds for suspension or revocation of a permit include, but are not limited to: refusal to make corrections as may be required by the Floodplain Administrator, allowing work to be covered so an inspection cannot be made, or denial of access for inspections to the Floodplain Administrator or his agent.¹³¹

(d) The Floodplain Administrator may also suspend or revoke a permit if the permit was issued in error.

[Sections 64.072-64.090 reserved for expansion]

DIVISION 4. VARIANCES.¹³²

§ 64.091. Statement regarding variances.

FEMA regulations require that the Floodplain Administrator maintain a record of all variance actions, including justification for their issuance, and to report such variances either annually or biennially to the Federal Insurance Administrator.¹³³ The Federal Insurance Administrator may review the County’s findings justifying the granting of variances, and if that review indicates a patten inconsistent with the objectives of sound floodplain management, the Federal Insurance Administrator may take appropriate action pursuant to 44 C.F.R. section 59.24(b), including placing the County on probation status and charging additional premiums for policies sold or renewed during the period of probation. Because the imprudent granting of variances can jeopardize the eligibility of Travis County property owners to purchase flood insurance through the National Flood Insurance Program, each application for a variance will be carefully scrutinized, and only rarely will the Commissioners Court grant a variance.¹³⁴

§ 64.092. Criteria for Granting Variances¹³⁵

(a) The issuance of a variance is for flood plain management purposes only. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in Subsection (c), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

(b) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.¹³⁶ Variances shall not be granted if

¹³¹ This section is a combination of current 64.024 (suspension of permits) and City of Houston 19-23 (revocation of permits).

¹³² This should satisfy Checklist item 4.

¹³³ Source: 44 CFR 60.6(a)(6).

¹³⁴ Source: 44 CFR 60.6(a)(6) and 60.6(a)

¹³⁵ Source: 44 CFR 60.6 (a) (Variances and Exceptions)

¹³⁶ Source: 44 CFR 60.6(b).

they would result in injury to the safety or health of an entire community or neighborhood or any considerable number of persons or if it would obstruct the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.¹³⁷

(c) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Subsections (d), (e), (f), (g), and (h) of this section.

(d) Variances shall only be issued upon:

(1) a showing of good and sufficient cause,

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(f) The County shall notify the applicant in writing over the signature of the Floodplain Administrator that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in Subsection (g) of this section; and

(g) The Floodplain Administrator shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

(h) Variances may be issued by the Floodplain Administrator for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of Subsections (b) through (e) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.¹³⁸

(i) Mere economic or financial hardship alone does not constitute an exceptional hardship that justifies the granting of a variance. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise does not constitute an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

¹³⁷ This sentence is a modification from the definition of "public safety and nuisance" from the consultant's draft.

¹³⁸ Subsections (a)-(h) are from 60.6(a).

(j) A floodway encroachment that increases the level of the design flood may be considered for a variance only if the applicant has applied for a conditional Flood Insurance Rate Map revision and has received the approval of the Federal Emergency Management Agency.¹³⁹

§ 64.093. Variance procedure.¹⁴⁰

(a) Any applicant for a permit may apply for a variance from the requirements of this chapter. A variance may be sought only on the basis that the imposition of the requirements of this chapter for the issuance of a permit to the applicant constitutes an exceptional hardship. Variances shall not be granted for development within any floodway if the development cannot meet the requirements of §64.133(b) of this Code.

(b) An applicant may file a request for variance at any time. However, no variance may be granted after an applicant has complied with the provisions of this chapter and a permit has been issued. An applicant shall file the application for a variance on a written form to be supplied by the Floodplain Administrator, and shall specify in connection therewith:

- (1) The particular requirement from which a variance is sought;
- (2) The nature of the hardship presented by the imposition of the requirements;
- (3) The proposed alternative method or procedure to be utilized in lieu of the required method, practice or procedure that is proposed;
- (4) The effect of the proposed construction on flood levels within the County;
- (5) The estimated cost in dollars of complying with the requirement;
- (6) The estimated cost in dollars of construction by the proposed alternative method of procedure;
- (7) The size, in acres, of the land area or the number of lots involved in the permit application; and
- (8) The existence of lots contiguous to or surrounding the land area which are located below the base flood level.

(c) In addition, the applicant shall file a verified acknowledgment that:

- (1) The granting of a variance for construction below the flood level will result in increased flood insurance rates commensurate with the increased risk resulting from the reduced lowest floor elevation; and
- (2) Construction below the base flood level increases risks to life and property to the applicant and the residents of this County and the surrounding area.

§ 64.094. Restriction on applicants; fee for application.¹⁴¹

A variance application may be filed by the owner of the property or the attorney-in-fact for the owner of such property. Such application shall be submitted as a verified statement. A fee as provided in section 64.062 of this Code shall accompany each variance application.

§ 64.095. Review by the Commissioners Court of variance application.¹⁴²

(a) The Floodplain Administrator shall receive, and transmit to the Commissioners Court, all applications for variances. The Commissioners Court shall determine whether a variance will be

¹³⁹ This is from City of Austin G103.5.1 would TNR like to include this?

¹⁴⁰ 19-20 of City of Houston rules.

¹⁴¹ 19-21 of City of Houston rules.

¹⁴² 19-22 of City of Houston rules.

granted.¹⁴³ The Commissioners Court shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. The Commissioners Court may consider the granting of a variance under the following circumstances:

(1) The application is for the reconstruction, rehabilitation, or restoration of an historic structure and the reconstruction, rehabilitation, or restoration of the structure will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.¹⁴⁴

(2) The application is for improvement of an existing structure that is required to correct an existing violation of a state or local health, sanitary or safety code specification that has been identified by the neighborhood protection official and that is the minimum necessary to ensure safe living conditions.

(3) The application is for a development for which the Floodplain Administrator finds that the granting of the variance is consistent with the procedures and standards established for the granting of variances. As the lot size increases, the burden on the applicant to provide a technical justification in favor of a variance under the facts of the case shall increase.

(4) The application is for an addition, new construction of, or for substantial improvements to, a structure necessary for the conduct of a functionally dependent use provided that:

- a. The applicable requirements of sections **64.093, 64.094, and 64.095** are met;
- b. The structure or other development will be protected by methods designed to minimize flood damage during the base flood; and
- c. The structure will create no additional threats to public safety.

(5) The variance is in effect an appeal from the application of a special flood hazard area or base flood elevation determination or both being administered on the basis of supplemental data pursuant to §64.010 of this Code and the applicant demonstrates, with the concurrence of the agency then responsible for the study data, that the determination is scientifically or technically incorrect. The variance shall be limited to approval, with or without conditions, or denial of the permit, plat or other approval that was denied and shall not constitute a change in the study data.

(b) The Commissioners Court shall deny variances to disaggregated lots of proposed larger developments or subdivisions or structures when that larger development has been the subject of or included within a permit application that has been previously disapproved by the Floodplain Administrator.

(c) In addition, in order to grant a variance, the Commissioners Court must affirmatively find that:

- (1) The imposition of the requirements of this chapter constitute an exceptional hardship on the applicant;
- (2) No feasible method or procedure is currently available to comply with the requirement; and

¹⁴³ Article 4, Section D(2) of the model ordinance says "The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance." Would INR like to add this?

¹⁴⁴ Source: 44 CFR 60.6(a).

- (3) The imposition of the requirements of this chapter to the particular circumstances would be unjustified in light of a good and sufficient cause which can be demonstrated to the board.
- (d) In granting a variance, the Commissioners Court must find that the variance, if allowed, will not have the effect of:
- (1) Increasing flood level height due to impedence of the stream of channel flow;
 - (2) Introducing or increasing any threat to public safety;
 - (3) Creating a nuisance which unreasonably interferes with the use of adjacent property;
 - (4) Causing a fraud to be worked upon the public or any individual member of the public;
 - (5) Causing extraordinary public expense for any reason; and;
 - (6) Creating conflict with any provisions of the Travis County Code or with any provisions of a state or federal regulation other than the applicable requirements of this chapter.
- (e) The Commissioners Court, in granting a variance, shall grant only the minimum variance necessary to afford relief from the complained of hardship.
- (f) A notice of variance shall be addressed to the applicant, and shall be signed by the County Judge ,or in his absence, the Executive Manager of TNR, and shall state:
- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest floor elevation; and,
 - (2) The construction under a variance of any structure below the base flood level may increase risks to life and property to the applicant and the residents of this County and the surrounding area.
- (g) Upon receipt of the notice of variance, the applicant shall file a copy of that notice in the permanent deed records of the county or counties in which the property is located.
- (h) Upon the receipt of a copy of the notice of variance certified by the county clerk of the county in which the property is located, the Floodplain Administrator shall issue a permit complying with all provisions of this chapter with the exception of the variance granted.
- (i) The Floodplain Administrator shall maintain a permanent public record of all notices of variance and the variances granted. The written justification for the granting of each variance shall be included in such records.
- (j) The denial of a variance by the Commissioners Court shall be final and is not subject to reconsideration.

[Sections 64.096-64.110 reserved for expansion]

SUBCHAPTER D. STANDARDS FOR FLOOD HAZARD REDUCTION (see 5.1 of Consultant’s draft, Art. III of Houston Rules (starting with 19-31), and Article 5 of Model Ordinance)

DIVISION 1. GENERALLY

§ 64.111. General construction of structures.

- (a) All structures, including manufactured homes, shall be constructed **or substantially improved**¹⁴⁵, regardless of location within the County, so as to be reasonably safe from flooding.

¹⁴⁵ Add the phrase “or substantially improved”?

- (b) In addition to any other applicable provisions of this chapter and any other applicable statutes, rules, and regulations, all structures located within a special flood hazard area must comply with Division 2 of this subchapter.
- (c) In addition to any other applicable provisions of this chapter and any other applicable statutes, rules, and regulations, all structures to be constructed or substantially improved in a watercourse or floodway must comply with Divisions 2 and 3 of this subchapter.¹⁴⁶

[Sections 64.112-64.120 reserved for expansion]

DIVISION 2. STANDARDS IN SPECIAL FLOOD HAZARD AREAS

§64.121. General standards.¹⁴⁷

All new construction and improvement of any existing structure in special flood hazard areas shall be performed so as to keep the structure reasonably safe from flooding and in accordance with the following standards:

(1) All improvements shall be designed or so modified so as to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in the presence of floodwaters;¹⁴⁸ checklist 19(a)

(2) All improvements shall be constructed by methods and practices so as to minimize flood damage;¹⁴⁹

(3) All improvements shall be constructed with materials and equipment resistant to flood damage;¹⁵⁰

(4) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;¹⁵¹

(5) All water supply systems, including new and replacement water supply systems, shall be designed to prevent or eliminate infiltration of floodwaters into the system;¹⁵²

(6) All sanitary sewer systems, including new and replacement sanitary sewer systems, shall be designed to prevent or eliminate infiltration of floodwaters into the structure's systems and discharge of sewage into floodwaters;¹⁵³

(7) All on-site disposal systems, including but not limited to sewage treatment plants and septic tank systems located on the site of the structure, shall be located so as to prevent impairment of the function of those systems in the presence of floodwaters and to prevent contamination of floodwaters from those systems during flooding;¹⁵⁴

¹⁴⁶ Similar to 19-31 of City of Houston Rules, which says "all structures to be constructed in a watercourse"--- I've left out the words "to be constructed"--- is this o.k.?

¹⁴⁷ From 19-32 of City of Houston rules.

¹⁴⁸ Should satisfy item 19(a).

¹⁴⁹ Should satisfy checklist 19(c), 20(a).

¹⁵⁰ Consultant's draft 5.1.F.1 says "with flood resistant materials as specified in FEMA Technical Bulletin TB 2-93 and utility equipment resistant to flood damage"---the language above is more general; would TNR prefer the more specific language from the consultant's draft? If the bulletin is updated, the County might want to amend this chapter. Should satisfy checklist 19(b).

¹⁵¹ Should satisfy checklist 19(d).

¹⁵² (5) and (6) should satisfy Checklist item 21.

¹⁵³ Should satisfy Checklist item 21.

¹⁵⁴ Should satisfy Checklist item 22.

(8) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;¹⁵⁵

(9) Adequate drainage must be provided to reduce exposure to flood hazards, including adequate paths around structures on slopes to guide flood waters around and away from proposed structures¹⁵⁶; and

(10) Fully enclosed areas below the lowest floor that are used solely for parking, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered architect or professional engineer licensed in the State of Texas or meet or exceed the following minimum criterion: have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, with the top of all such openings no higher than one foot above grade or BFE, whichever is lower. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.¹⁵⁷

(11) No rise of BFE in the floodplain: No new construction, substantial improvements, or other development (including cut and/or fill) shall be permitted within zones A, AE, and AO on the County's flood insurance rate maps unless

(a) it is first demonstrated by engineering data submitted by the applicant's engineer in accordance with the various requirements and procedures set forth in this order that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood:¹⁵⁸

(i) on adjacent properties,

(ii) at any point within the County, or

(iii) immediately adjacent to neighboring communities;¹⁵⁹ and

(b) a Conditional Letter of Map Revision ("CLOMR") has been approved by FEMA. A Letter of Map Revision ("LOMR") must also be obtained by the applicant upon completion of the proposed encroachment.¹⁶⁰

¹⁵⁵ Should satisfy Checklist 20b).

¹⁵⁶ Should satisfy Checklist 20(c)

¹⁵⁷ Should satisfy item 34 of checklist. 19-32 of Houston rules. Cf. Section A of Article 5.

¹⁵⁸ Rewrite to say professional engineer licensed in the State of Texas.

¹⁵⁹ This is from 5.1.A. of the consultant's draft. The word "County" has replaced the word "community" in subsection (i), and the words "neighboring communities" have been substituted for "its territory."

¹⁶⁰ Satisfies item 40 of checklist. See pages 9-11 of City of Austin's Appendix G regarding LOMCs and CLOMRs. Footnote 18 of the checklist says

"According to this paragraph, development may not occur anywhere in the an SFHA of the County unless a full engineering study is accomplished that proves the proposed development will cause no rise in the BFE. That is essentially what is required for development in a regulatory floodway as directed in 44 CFR 60.3(d)(3). In essence, all of your regulatory floodplains are to be treated as if they were floodways. Is this what the County intends to enforce? Very few communities go that far. I am not aware of any Texas counties that do so. But the communities that do set this high standard enforce it and are very happy they did so. This is an exemplary move. I hope you keep it and enforce it. See Endnote #6 (regarding the definition of floodways). TNR wants to keep this.

Is it the County's intent to set this higher standard and to enforce such higher standard?

(12) Compensatory storage: Whenever any portion of a floodplain is authorized for use, the space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse. Any general alteration or development of the floodplain using this method requires a FEMA approved Letter of Map Change (“LOMC”).

(13) New development or substantial improvement in the 100-year floodplain may not increase erosive water velocity on-site or off-site.

(14) New development or substantial improvement in the 100-year floodplain will require a Letter of Map Change for any development that alters the floodplain.¹⁶¹

§ 64.122. Base flood elevation requirements in special flood hazard areas.¹⁶²

(a) The following additional requirements apply to residential structures:

(1) All additions to, and new construction and substantial improvement of, any residential structure, including basement, within an AO Zone shall have the lowest floor and all utilities elevated above the highest adjacent grade to a height at least two feet above the depth number specified on the FIRM for the site.¹⁶³ If the floor elevation of a garage attached to an addition is lower than the minimum flood protection elevation, the garage must meet the requirements of item (10) of **section 64.121** of this Code.¹⁶⁴

(2) All additions to, and new construction and substantial improvement of, any residential structures within Zones A, A1-30, and Zone AH shall have the lowest floor, including basement, and all utilities elevated above at least two feet above the base flood elevation.¹⁶⁵ If the flood elevation of a garage attached to an addition is lower than the minimum flood protection elevation, the garage must meet the requirements of item (10) of **section 64.121** of this Code.¹⁶⁶

(3) All additions to, and new construction and substantial improvement of, any residential structure within Zones A10-30, AE, and AH shall have the lowest floor, including basement, and all utilities elevated above at least one foot above the base flood elevation.¹⁶⁷

(b) The following additional requirements apply to non-residential structures:

(1) All additions to, and new construction and substantial improvement of, any nonresidential structure within Zone AO shall have the lowest floor, including basement,

¹⁶¹ Items 9-12 are from 5.1A-D of the consultant’s draft.

¹⁶² From 19-33 of City of Houston rules.

¹⁶³ See consultant’s draft 5.2A.1. Should satisfy item 30 of Checklist, which says this is a higher standard. Minimum standard is that lowest floor, including basement, must be elevated to or above the highest adjacent grade or at least as high as the FIRM’s depth number.. Houston requires 12 inches above specified depth number and at least 3 feet above highest adjacent grade if no depth number is specified.

¹⁶⁴ From Houston rule 19.33(b)(1).

¹⁶⁵ From consultant’s draft 5.1A.2. Checklist says this satisfies item 29 and that this is a higher standard.

¹⁶⁶ Checklist says this satisfies item 29 and is a higher standard. Consultant’s draft 5.2A.2 says said base flood elevation shall be determined by one of the methods in Section 4.4 of this order— do we need to include this? Sentence regarding garage is from Houston rule.

¹⁶⁷ From consultant’s draft 5.2.A2. Checklist says this satisfies item 29 and is a higher standard.

elevated at least two feet above the depth number specified in feet on the FIRM or, together with attendant utility and sanitary sewerage facilities, be completely floodproofed to or above that level so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.¹⁶⁸

(2) All additions to, and new construction and substantial improvement of, any nonresidential structure within Zone A or Zone AE¹⁶⁹ shall:

(A) have the lowest floor, including basement, elevated to at least the base flood elevation; or

(B) together with attendant utility and sanitary sewerage facilities, be completely floodproofed to at least one foot above the base flood elevation so that below this level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.¹⁷⁰

(3) Where a nonresidential structure is required to be made watertight below the base flood elevation, the applicant must have a registered professional engineer or architect licensed in the State of Texas (A) develop and/or review structural design, specifications, and plans for the construction and (B) certify that the design and methods of construction: (i) are in accordance with accepted standards of practice for making the structure floodproof and watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy¹⁷¹ and (ii) comply with the requirements of Section 64.122(b)(1) if the structure is in Zone AO, and Section 64.122(b)(2) if the structure is in Zone A or Zone AE. A record of such certificates, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be provided to Floodplain Administrator who shall maintain such records.¹⁷²

¹⁶⁸ Should satisfy Checklist item 32. 44 CFR 60.3(c)(8) requires that nonresidential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM or at least two feet if no depth number is specified. I've written in "at least two feet above the highest adjacent grade"---is TNR o.k .with this? Houston uses 12 inches and 3 feet.

¹⁶⁹ Just these two zones?

¹⁷⁰ This should satisfy item 31 of Checklist and is a higher standard than required by 44 CFR 60.3(c)(3), which says:

(c) When the Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

¹⁷¹ This should satisfy item 33 of Checklist .

¹⁷² This sentence should satisfy 44 CFR 60.3(c)(4)

(c) All structures to be constructed in whole or in part within Zones AH and AO shall be designed with adequate drainage paths around structures on slopes to guide floodwaters around and away from those structures.¹⁷³

(d) For critical facilities located in an area that is subject to a 0.2 percent or greater chance of flooding in any given year (shaded Zone X), all additions, new construction, and substantial improvements shall have the lowest floor elevated or floodproofed to at least 12 inches above the elevation that is subject to a 0.2 percent or greater chance of flooding.¹⁷⁴

[Sections 64.123-64.130 reserved for expansion]

DIVISION 3. DEVELOPMENT IN A WATERCOURSE AND FLOODWAY

§ 64.131. Generally.¹⁷⁵

In addition to complying with the standards set out in Division 2 of this subchapter, development in a watercourse or a floodway shall comply with the provisions of this division.

§ 64.132. Watercourses.¹⁷⁶

The alteration or relocation of any watercourse maintained by a county or a county agency shall not be permitted unless the county engineer who is responsible for flood control in the county in which the property is located certifies in writing to the Floodplain Administrator that the flood-carrying capacity of the watercourse will be the same as or greater than the flood-carrying capacity that existed prior to the proposed development.

§ 64.133. Floodways.¹⁷⁷

(a) Except as otherwise provided in this section, no permit shall hereafter be issued for a development to be located in any floodway, or any special flood hazard area for which a floodway has not been designated, if that development provides for:

(1) Encroachment by the deposition of fill, or other similar construction, within the floodway, or the special flood hazard area if no floodway has been designated; or

¹⁷³ Should satisfy item 36 of checklist.

¹⁷⁴ This is part of Houston rule 19.33.

¹⁷⁵ 19-41 of City of Houston rules.

¹⁷⁶ 19-42 of City of Houston rules.

¹⁷⁷ From 19-43 of City of Houston rules. See current 64.021(c), which says:

Once the floodway has been determined for the regulatory flood on any waterway, all development will be prohibited in the floodway except for unrestricted uses and special uses by "B" permit only. Other development within the floodway may be allowed if it is demonstrated by an engineering analysis, which may include a hydrologic and hydraulic analysis, performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Encroachments within the adopted floodway that would result in an increase in the base flood elevations also may be permitted if a conditional Flood Insurance Rate Map and floodway revision are approved, the requirements for such revisions are fulfilled, and approval from the Federal Emergency Management Agency Administrator is obtained. Special uses of the floodway shall include bridges, culverts and other public crossings; and dams, levees and other waterway improvement structures consistent with general flood plain management policies of the County. (emphasis in original)

(2) New construction, additions to existing structures, or substantial improvement of any structure within the floodway, or the special flood hazard area if no floodway has been designated.

(b) For those facilities necessary to protect the health, safety and welfare of the general public, the Floodplain Administrator may issue a permit for development of a site or the new construction, addition to an existing structure, or substantial improvement of a structure within the floodway, or any special flood hazard area for which a floodway has not been designated, if a professional engineer licensed in the State of Texas submits supporting documentation or an engineering analysis acceptable to the Floodplain Administrator and written certification to the effect that:

(1) The cumulative effect of the proposed development when combined with all other existing development, and if a floodway has not been designated, all anticipated development, will not have an adverse effect on flood levels at any point within the County during occurrence of the base flood;

(2) The construction will not impede the flow of floodwaters; and

(3) The construction will not result in an adverse effect on the conveyance capacity during the occurrence of the base flood.

(c) The Floodplain Administrator may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the Floodplain Administrator determines that:

(1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the County during occurrence of the base flood; and

(2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the Floodplain Administrator determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the Floodplain Administrator may approve deviation from this standard.

(d) Whenever a permit is denied pursuant to **§64.133(a)(2)** and the Commissioners Court finds and determines in writing that:

(1) the improvement is insubstantial;

(2) this insubstantial construction will not increase flood levels during occurrence of the base flood; and,

(3) this insubstantial improvement will not impede the flow of floodwaters, then the Floodplain Administrator may issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.¹⁷⁸

¹⁷⁸ This should satisfy item 35 of checklist. 44 CFR 60.3(c)(10) says that the community shall require, until a regulatory floodway is designated, "no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community."

§ 64.134. Encroachments within adopted regulatory roadway

(a) Encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the adopted regulatory floodway unless:

(1) an applicant demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge¹⁷⁹, or

(2) The applicant applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions, and receives a Conditional Letter of Map Revision (CLOMR) approved by the Federal Emergency Management Agency Administrator.¹⁸⁰

[Sections 64.135-64.140 reserved for expansion]

SUBCHAPTER E. MANUFACTURED HOMES.

Division 1

§ 64.141. Generally.¹⁸¹

(a) The provisions of this chapter shall be in addition to any other applicable requirements, standards, and restrictions contained in the Travis County Code relating to manufactured homes, including, but not limited to, regulations adopted solely or jointly by the Travis County Commissioners Court relating to subdivisions and on-site sewage facilities. In the event of conflict between the requirements of this chapter and any other requirement adopted by the Travis County Commissioners Court, the provisions of this chapter shall prevail.

(b) The applicants for a manufactured home permit where the manufactured home will be located within a special flood hazard area shall submit a development permit application and shall comply with the standards set forth in this chapter specifically including those standards contained in this subchapter.

(c) **Manufactured Home Subdivisions**

Manufactured home subdivisions shall be designed in compliance with Travis County's "Standards for Construction of Streets and Drainage in Subdivisions" and shall dedicate the flood hazard area as a drainage easement. All manufactured homes in the subdivision shall require a permit, with no allowance for move-ons.

(d) **Existing Manufactured Homes in Non-Conformance**

An existing manufactured homes in non-conformance with this chapter shall be brought into compliance with this chapter if it is moved off its site, damaged more than 50% of its fair market value, or proposed to have substantial improvements.¹⁸²

§ 64.142. Development Permit Required

A development permit must be obtained in order to place or substantially improve a manufactured home within Zones A, AO, and AE.¹⁸³

¹⁷⁹ Source: 44 CFR 60.3(d)(3). Should satisfy Checklist item 41.

¹⁸⁰ Source: 44 CFR 60.3(d)(4).

¹⁸¹ 19-61 of City of Houston rules.

¹⁸² Subsections (c) and (d) are from current 64.059.

[Sections 64.142-64.150 reserved for expansion]

DIVISION 2. PLACEMENT STANDARDS

§ 64.151. Generally.¹⁸⁴

All manufactured homes shall be placed in locations in the County that are reasonably safe from flooding, and the Floodplain Administrator is hereby authorized to promulgate such written standards as may be deemed appropriate to determine such flood safety. In addition to such standards within special flood hazard areas, the requirements of this division 2 shall apply.

§ 64.152. Required elevations.

(a) A manufactured home must be elevated on a permanent foundation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement if the manufactured home is to be placed or substantially improved on a site that is located :

1. outside an existing manufactured home park or subdivision;
2. in a new manufactured home park or subdivision;
3. in an expansion to an existing manufactured home park or subdivision; or
4. in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as a result of a flood.¹⁸⁵

(b) A manufactured home must be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement if the manufactured home is to be placed or substantially improved on a site that is located: in an existing manufactured home park or subdivision:¹⁸⁶

1. that is not being expanded, and
2. that does not contain a manufactured home that has incurred substantial damage as a result of a flood.

(c) For each manufactured home located on a site described in subsection (a) or subsection (b):

1. if the site is located within Zone AE, the lowest floor of the manufactured home shall be elevated at least one foot above the base flood elevation.
2. if the site is located within Zone A, the lowest floor of the manufactured home shall be elevated at least two feet above the base flood elevation.
3. if the site is located within Zone AO, the lowest floor of the manufactured home shall be elevated above the highest adjacent grade to a height of at least feet above the depth number specified in feet on the FIRM or at least two feet above the base flood elevation or at least two feet above the elevation specified on the FIRM.¹⁸⁷

¹⁸³ Do we need to add additional zones?

¹⁸⁴ 19-71 of City of Houston rules.

¹⁸⁵ From 5.9A of consultant's draft.

¹⁸⁶ Note:: 44 CFR 60.3(c)(6) (see subsections (a) and (b)) require that manufactured homes on sites specified in (a) be elevated on a permanent foundation. 44 CFR 60.3(c)(12), relating to homes to which 60(c)(6) does not apply, does not require that the manufactured homes be elevated on a permanent foundation. Does TNR want to require a permanent foundation for all placements of and substantial improvements to manufactured homes?

¹⁸⁷ Subsections (a) and (b) should satisfy Checklist item 37 and exceeds the requirement in 44 CFR 60.3(c)(6) that the lowest floor be elevated to at least the BFE and be securely anchored. See consultant's draft section 5.9A.

(d) For each manufactured home located on a site described in subsection (c):

1. if the site is located within Zone AE, the lowest floor of the manufactured home shall be elevated at least one foot above the base flood elevation.
2. if the site is located within Zone A, the lowest floor of the manufactured home shall be elevated at least two feet above the base flood elevation.
3. if the site is located within Zone AO, the lowest floor of the manufactured home shall be elevated above the highest adjacent grade to a height of at least feet above the depth number specified in feet on the FIRM or at least two feet above the highest adjacent grade if no depth number is specified.¹⁸⁸

(e) All manufactured home chassis must be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.¹⁸⁹

§ 64.153. Flood safety.¹⁹⁰

Each manufactured home and its site and substantial improvements to manufactured home sites shall:

- (1) Be designed or modified to prevent flotation, collapse, or lateral movement of the manufactured home in the presence of floodwaters;
- (2) Be constructed with materials and types of utility equipment which are resistant to flood damage; and,
- (3) Be constructed by methods and practices that minimize flood damage.¹⁹¹

§ 64.154. Utility systems protection.¹⁹²

(a) All new and replacement water supply systems for manufactured homes shall be designed to prevent or eliminate the infiltration of floodwaters into the water supply system and the utility system supplying water to the manufactured homes.

(b) All new and replacement sanitary sewage systems for manufactured homes shall be designed to prevent:

- (1) The infiltration of floodwaters into such systems; and,
- (2) Discharge from such systems into floodwaters.

(c) All on-site disposal systems, including but not limited to, sewage treatment plants and septic tanks located on the lot or site of the manufactured home or connected by a utility system to the manufactured home, shall be located so as to:

- (1) Prevent impairment of the function of the system during flooding; and
- (2) Prevent contamination of floodwaters from the system during flooding.

¹⁸⁸ See 5.9B of consultant's draft. Combine subsections (b) and (d)? This is a higher standard than that required by 44 CFR 60.3(c)(12), which says "a manufactured home ...not subject to (c)(6) shall be elevated to at least above the BFE, or have the chassis supported by reinforced piers and e securely anchored—a permanent foundation is not required.

¹⁸⁹ From consultant's draft 5.9C. This is a higher standard than required by 44 CFR 60.3(c)(12) because this would apply to all manufactured homes rather than just those described in subsection (c). Subsections (c), (d), and (e) should satisfy Checklist item 38.

¹⁹⁰ 19-72 of City of Houston rules.

¹⁹¹ Should partially satisfy Checklist item 28.

¹⁹² 19-73 of City of Houston rules.

§ 64.155. Special requirements for manufactured homes.¹⁹³

All manufactured homes placed in, and all substantial improvements to manufactured home sites within, special flood hazard areas shall be secured as follows:

(1) *Anchors*: All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement in the presence of floodwaters by providing over-the-top or frame ties to ground anchors. All ground anchors shall be set in concrete poured to a depth resistant to natural erosion caused by floodwater. In addition, all anchoring systems shall comply with all applicable provisions of state law or regulations. All components of the anchoring system for manufactured homes shall be capable of carrying a force of 4,800 pounds.¹⁹⁴

(2) *Tie-downs*:

a. Over-the-top ties shall be provided at each of the four corners of the manufactured home.

b. Manufactured homes in excess of 50 feet in length shall have two side ties in addition to the above-described corner ties, which shall be placed at intermediate locations; manufactured homes less than 50 feet in length shall have one additional tie per side.

(3) *Frame ties*:

a. A frame tie shall be placed at each corner of the manufactured home.

b. Manufactured homes in excess of 50 feet in length shall have five additional ties placed on each side at intermediate locations; manufactured homes less than 50 feet in length shall have four additional ties per side placed at intermediate locations.

(4) *Additions to manufactured homes*: All additions to a manufactured home shall be anchored in the same manner as a manufactured home.

(5) *Flood elevation of manufactured home*:

a. The stand or lot on which a manufactured home is placed shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is at least at the minimum flood protection elevation.

b. Adequate surface drainage and access for a hauler shall be provided at each manufactured home lot or stand and at the entrance of a manufactured home park or subdivision.

c. A manufactured home placed on pilings shall be placed on a lot large enough to permit steps wholly on the manufactured home lot.

d. Pilings shall be placed in stable soil not more than ten feet apart, center to center, and shall be reinforced if they extend more than six feet above ground level. A registered professional engineer licensed in the State of Texas must certify in writing that the size, strength, and treatment processes for wooden pilings and methods of reinforcement for those pilings are sufficient to prevent flotation, collapse or lateral movement of the manufactured home in the presence of floodwaters.

§ 64.156. Manufactured home placement in a floodway or coastal high hazard¹⁹⁵ area.

Manufactured homes to be placed in a floodway or a coastal high hazard area shall also specifically comply with divisions 3 and 4 of this subchapter.

¹⁹³ 19-74 of City of Houston rules.

¹⁹⁴ Should satisfy Checklist item 28.

¹⁹⁵ 19-75 of City of Houston rules.

[Sections 64.166 to 64.170 reserved for expansion]

DIVISION 3. SUBDIVISIONS AND DEVELOPMENT

§ 64.171. Plats for manufactured home parks and subdivisions.¹⁹⁶

No plat shall be issued for a manufactured home park or subdivision unless it complies with the provisions of section **64.051** and the provisions of this subchapter.

§ 64.172. Evacuation plan.¹⁹⁷

All persons who operate a manufactured home park or subdivision within any special flood hazard area shall file an evacuation plan with the Travis County Fire Marshal, the Travis County Emergency Management Coordinator, and the emergency services district in which the park or subdivision is located indicating alternate vehicular access and escape routes for such park or subdivision prior to the granting of a permit.

[Sections 64.173 to 64.180 reserved for expansion]

Subchapter F. Miscellaneous

§ 64.181. Certain prohibitions relating to recreational vehicles.

(a) An owner of a recreational vehicle must obtain a permit in accordance with the provisions of this chapter before placing the recreational vehicle in Zones A, AE, or A on Travis County's FIRM.

(b) Any recreational vehicle placed in Zones A, AE, or A on Travis County's FIRM:

- a. must not remain on the site for 180 consecutive days or more;
- b. must be fully licensed and ready for highway use; and
- c. must meet the permit requirements and the elevation and anchoring requirements set forth in this chapter for "manufactured homes."

(c) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices, has no permanently attached additions, and has current vehicle registration and inspection stickers or tags affixed.¹⁹⁸

§ 64.182 Agricultural Development in Floodplains¹⁹⁹

(a) Except as provided in subsection (b), a permit is not required in order to continue agricultural use of property located in a special flood hazard area.

(b) A permit must be obtained pursuant to the provisions of this chapter and any other applicable city, county, state, and federal statutes and regulations if any of the following applies:

¹⁹⁶ 19-81 of City of Houston rules.

¹⁹⁷ 19-82 of City of Houston rules.

¹⁹⁸ Should satisfy item 39 of checklist. This is a higher standard because 44 CFR 60.3(c)(14) requires that site must be elevated and anchored, or be on the site for less than 180 consecutive days, or be fully licensed and highway ready.

¹⁹⁹ This would replace current section 64.060.

- (1) The agricultural use or a proposed change in the agricultural use is reasonably likely to:
 - A. result in an obstruction to a waterway;
 - B. alter a natural floodplain or stream channel; or
 - C. cause excessive increases in erosion, flood heights, or velocities.
- (2) The agricultural use or any proposed change in agricultural use of property is reasonably likely to change the conveyance capacity or diminish the storage volume of the special flood hazard area, including the construction, alteration, or removal of structures.
- (3) There is a proposal to place, construct, or substantially improve a structure on the property, including the construction of houses, storage sheds, barns, and garages.
- (4) There is a proposal to construct or alter a pond, terrace, dam, dike, ditch, or levee.
- (5) There is a proposal to engage in one or more of the following activities on the property: mining, dredging, filling, grading, paving, surfacing, excavating, or drilling.

64.183 UTILITIES AND INDIVIDUAL SEPTIC TANK SYSTEMS²⁰⁰

- (a) Except as provided in Subsection (b), a basic development permit or special flood hazard area development permit must be obtained prior to the installation, repair, or removal of all utilities, including as water and wastewater lines, on-site waste disposal systems, gas lines, telephone and electric lines and related facilities.
- (b) A permit does not have to be obtained prior to performing emergency repairs to a utility, but written notice must be provided to the Floodplain Administrator on the next County business day as to the location of the repair, the nature of the repair, the name of the person conducting the repairs, the name and address of the property owner, and the name and address of the person who requested the repairs. For the purpose of this subsection, an emergency repair is a repair that is necessary to mitigate or prevent an immediate threat to the health and safety of the public.
- (c) No sewage treatment plant, septic tank system, or other on-site sewage disposal system shall be operated when there are floodwaters are over any portion of the on-site sewage disposal system.

§ 64.184. Dry Dock Barge Exemption²⁰¹

- (a) As of March 28, 1995, upon the occurrence of a flood event and determination by the Floodplain Administrator that a pre-existing, non-residential, commercial structure has sustained damage, the owner of such structure may apply for an exemption to redesign the same as a Dry Dock Barge (a “Dry Dock Barge Exemption”).²⁰² A Dry Dock Barge

²⁰⁰ This replaces current 64.062.

²⁰¹ Current 64.035.

²⁰² Is this sentence intended to mean that only a structure that existed on or before March 28, 1995 can be exempted?

Exemption shall be granted by the Floodplain Administrator provided the owner meets the following criteria:

(1) A registered professional engineer or architect licensed in the State of Texas shall certify the Dry Dock Barge in accordance with 44 CFR § 60.3(c)(4).

(2) A registered professional engineer in the State of Texas shall certify that the Dry Dock Barge:

(i) includes a barge anchor system that has been designed and constructed to prevent the barge from moving onto or over adjacent properties or over insurable improvements located on the owner's property during a flood event up to and including the 100-Year Flood, and

(ii) shall not increase the water surface elevation of the 100-year flood plain on adjacent properties.

(3) A Dry Dock Barge shall provide for a satisfactory means of evacuation prior to a Flood and an acceptable means of accessing the Dry Dock Barge during a period of Flooding.²⁰³

(4) The owner shall provide a written statement to the Floodplain Administrator acknowledging²⁰⁴:

(i) the preexisting, non-residential, commercial structure has suffered damage²⁰⁵;

(ii) the Dry Dock Barge will be constructed in lieu of making repairs or improvements to such structure;

(iii) the anchor system for the Dry Dock Barge shall be maintained according to the design certified by the engineer pursuant to § 64.184(a)(2)(i); and

(iv) the owner may not be eligible for flood insurance coverage or federal disaster assistance with respect to the Dry Dock Barge.

(b) Upon the granting of a Dry Dock Barge Exemption, a Dry Dock Barge shall be exempt from this ordinance and its owner shall comply with the following rules:

(1) Except for those trained personnel necessary to assure the structure remains anchored, a Dry Dock Barge shall remain unoccupied during a flood as defined in this chapter.

(2) A Dry Dock Barge shall be demolished and removed by its owner in the event:

(i) the owner's business becomes insolvent, is placed in receivership or bankruptcy, or ceases to carry on in the ordinary course of business;

(ii) a resolution or order is passed for the winding up or liquidation of the owner's business; or

(iii) such barge is significantly damaged in any manner.

²⁰³ Does TNR want to require that a copy of the plan be included with the application for a permit?

²⁰⁴ Would TNR like to require verification instead of just an acknowledgment?

²⁰⁵ Does the damage have to be substantial in order to qualify for the exemption? If so, we should add the word "substantial."

(3) The owner shall be prohibited from making any repairs or improvements to the pre-existing, non-residential, commercial structure, including but not limited to maintenance of any kind, and shall only be allowed to remove such structure from the property.

§ 64.185 Non-Conforming Uses²⁰⁶

(a) A development which was lawful before passage and implementation of this ordinance but which does not conform with the provisions of this ordinance may be continued subject to the following conditions:²⁰⁷

- (1) No structural alteration, addition, or repair to any non-conforming structure shall exceed fifty percent (50%) of its value, unless such action would qualify the development for Flood Hazard Development permit consideration.
- (2) If any non-conforming use is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its value, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (3) Any alteration, addition or repair to any non-conforming use which would result in substantially increasing its flood damage potential shall require a Flood Hazard Area Development permit.

(b) The following procedures shall be used to determine whether a structure is substantially improved pursuant to this section:

- (1) The owner shall obtain an estimate of fair market value for the structure which has been damaged.
- (2) The owner shall obtain an estimate for the cost of repairs to the damaged structure. Acceptable estimates can be obtained from the following sources:
 - (i) itemized estimate (as to both materials and labor) made by licensed contractors or other professional estimators in the construction industry; and
 - (ii) for insured structures damaged by floods, the monetary damage estimated by the National Flood Insurance Program claims adjuster (structure only, not contents).

²⁰⁶ Current 64.027.

²⁰⁷ I would suggest substituting in this sentence from G102.3 of the City of Austin Code:

A structure, or the use of a structure or premises, which was lawful before the adoption of this Chapter, but which does not conform with the requirements of these regulations, may be continued subject to the follow conditions:

The rest of G102.3 says this:

- 1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- 2. No substantial improvement to the structure shall be made unless the structure is changed to conform to these regulations.
- 3. If a nonconforming use is discontinued for a period of 90 days or more, any future use of the building or premises shall conform to these regulations.
- 4. Any nonconforming use or structure which is destroyed by any means, including floods, to any extent of 50 percent or more of its market value, shall not be reconstructed except in conformance with the provisions of these regulations.

- (3) The owner shall provide an estimate for the cost of repairs or improvements which have been made to the structure since March 28, 1995.²⁰⁸
- (4) The owner shall submit a completed application form along with the requested cost and appraised value figures to the Transportation and Natural Resources Department permit counter.
- (c) Upon receipt of the information outlined in **§64.185(b)**, the Floodplain Administrator shall verify the accuracy of the information and determine if the structure has been, or will be, substantially improved as a result of the repair work or other improvements which have been or need to be made. If the value of repairs or improvements does not constitute a Substantial Improvement as defined herein and does not exceed 50% of the market value of the structure, then a permit will be issued by the Floodplain Administrator to begin the repairs. If the value of repairs or improvements exceeds 50% of the market value of the structure, then a permit will be denied unless the structure is to be reconstructed outside of the flood plain or elevated ~~once foot above the base flood elevation. Upon request by the owner, the Division Director shall provide a determination of the required elevation for the lowest possible habitable floor. The owners of non-residential structures may receive a permit for repairs if the structure is relocated outside the flood plain, or structurally flood proofed for that portion of the structure located beneath the base flood elevation~~ constructed in accordance with the standards set forth in this chapter for new developments and substantial improvements.²⁰⁹

§ 64.186. Stormwater Management Controls²¹⁰

- (a) General
 - (1) Due to the rapid onset of development in unincorporated areas of Travis County the Floodplain Administrator requires that developments which exceed 20% impervious coverage ratio, when calculated against the total property, control the increased stormwater. These controls will be of a method by which the County will be assured that present flooding conditions will not be increased by the development. This requirement has been in effect since April 1, 1982, when the County went into the regular phase of the National Flood Insurance Program.
 - (2) Improvements and/or development prior to April 1, 1982 are exempt from these controls, but any impervious material "grandfathered" shall be used in calculating the impervious coverage ratio for future development.
 - (3) Individual single family residences shall not be required to conform to these controls.
- (b) Design of Stormwater Management Controls

When development exceeds the 20% impervious coverage ratio, the permit applicant shall have a Registered Professional Engineer, licensed in the State of Texas, provide a plan with supporting calculations to attenuate the effects of the proposed increased stormwater. The normal design of these controls shall be as per the City of Austin's Drainage Criteria

²⁰⁸ Why is March 28, 1995 significant?

²⁰⁹ Is this change acceptable?

²¹⁰ Current 64.057.

Manual. Any other method proposed shall require prior approval by The Floodplain Administrator.

[Sections 64.187 to 64.220 reserved for expansion]

Subchapter G. Enforcement

§ 64.221. Actions authorized to enforce chapter.²¹¹

(a) The County, acting through the County Attorney, is hereby authorized to file an action in a court of competent jurisdiction to:

(1) Enjoin any person from violating the terms, conditions and restrictions of any permit issued under this chapter;

(2) Enjoin the violation of the provisions of this chapter;

(3) Recover civil penalties for violation of the terms, conditions and restrictions of any permit issued under this article;

(4) Recover civil penalties for violation for the provisions of this article; or

(5) Recover damages from the owner of a site in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with this chapter.

This authority is in addition to all provisions of this chapter, Chapters 48 and 82 of the Travis County Code, Title 30 of the Austin-Travis County Subdivision Regulations, and any other authority to enforce the provisions of this chapter.

(b) The County, acting through the County Attorney, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions, and restrictions of any permit issued under this chapter.

(c) The Floodplain Administrator is authorized to:

(1) Whenever any work authorized by a development permit is being performed contrary to the provisions of this chapter, or other pertinent laws or ordinances implemented through the enforcement of this article, order the work (other than work to cure a violation) stopped by notice in writing served on any persons performing the work or causing the work to be performed. Any such persons shall forthwith stop the work until authorized by the Floodplain Administrator to proceed with the work.

(2) At the time a stop order is issued, the person performing the work and the permit holder shall be given notice of a right to a hearing on the matter during a regularly scheduled meeting of the Commissioners Court. Any stop order that has been issued shall remain in effect pending any hearing that has been requested unless the stop order is withdrawn by the Floodplain Administrator.

§64.222. Criminal Sanctions.²¹²

Any person violating any provision of this chapter commits a Class "C" misdemeanor punishable by a fine of not to exceed \$500. Each day that a violation occurs is a separate offense.

²¹¹ 19-91 of City of Houston rules. Compare with current section 64.030.

²¹² Similar to current 64.030(a).

CERTIFICATION OF ADOPTION

APPROVED: _____
(community official)

PASSED: _____
(adoption date)

THIS CHAPTER BECOMES EFFECTIVE: _____
(effective date)

I, the undersigned, {name of certifying official}, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the {governing body}, at a regular meeting duly convened on {date}.

{Signature of Certifying Official}

Other notes: need to amend 82.207(o).

TAKINGS IMPACT ASSESSMENT:

REVISION OF TRAVIS COUNTY FLOODPLAIN REGULATIONS

This takings impact assessment is prepared using the series of questions in the Private Real Property Rights Preservation Act Guidelines (“Guidelines”) promulgated by the Attorney General’s Office under Ch. 2007, GOVT. CODE ANN. (“the Act”). The proposed action is Travis County’s adoption of revisions to its floodplain management regulations, Chapter 64 of the Travis County Code. Some of the revisions are substantive, and some of them are procedural.

Guidelines Question 1: Is Travis County a governmental entity covered by the Act?

Yes.

Guidelines Question 2: Is the proposed action covered by the Act?

All of the amendments are exempt from the Act. The amendments are exempt under the following provisions of the Guidelines or the Act for the reasons indicated:

a. §2.18 of the Guidelines.

The procedural amendments and many of the substantive amendments impose no new burden on private real property. To the extent the amendments impose no new burden on private real property, the amendments are not subject to the requirement in §2007.042 to perform a takings impact assessment.

b. §2007.003(b)(11)(A) of the Act.

The revisions to the County’s floodplain regulations are exempt under §2007.003(b)(11)(A) because they regulate construction in legally designated floodplains.

c. §2007.003(b)(4) of the Act

The substantive and procedural amendments are exempt under §2007.003(b)(4) of the Act because they are actions reasonably taken to fulfill obligations mandated by state and federal law. Subchapter I of Chapter 16 of the Water Code contains a mandate from the Texas Legislature that each city and county in the state adopt appropriate orders necessary for the city or county to be eligible to participate in the National Flood Insurance Program. TEX. WATER CODE §16.3145. The Texas Legislature authorized all political subdivisions to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program to ensure that flood insurance is available to all residents of the County. The County is revising its floodplain management regulations (1) to ensure that they meet the minimum regulatory standards imposed by the Federal Emergency Management

Agency (“FEMA”) for effective floodplain management, and (2) to clarify them so that they are easier to understand and follow.

c. §2007.003(b)(5) of the Act.

The substantive and procedural amendments are exempt under §2007.003(b)(5) because they simply modify regulations that provide a unilateral expectation that does not rise to the level of a recognized interest in real property.

d. §2007.003(b)(13) of the Act.

The substantive and procedural amendments are exempt under §2007.003(b)(13) because the amendments respond to real and substantial threats to public health and safety, significantly advance that purpose, and do not impose a greater burden than is necessary. The purpose of the amendments is to promote public health, safety, and general welfare through the enactment of floodplain management regulations designed to reduce the likelihood that land use within the County will increase the dangers of flooding. Because they include measures that FEMA has determined will help to reduce flood damage, they respond to a substantial threat in a way that substantially advances public safety without imposing unnecessary burdens.

Guidelines Questions 3 and 5: Does the proposed action result in a burden on private real property as that term is defined in the Act? How does it burden private real property?

Each flood-prone community must meet the floodplain management standards set forth by FEMA in order for the residents of that community to be eligible to obtain insurance through the National Flood Insurance Program. The proposed amendments to Chapter 64 of the Travis County Code clarify the standards for land use and development in floodplains to ensure minimum compliance with floodplain management criteria so that Travis County residents will continue to remain eligible for flood insurance. Travis County has been regulating development in floodplains for more than two decades

Guidelines Questions 4 and 6: What is the specific purpose of the proposed action? How does it benefit society?

The flood hazard areas of Travis County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inappropriately placed and/or inadequately elevated, floodproofed, or protected from flood damage.

The purpose of the substantive and procedural amendments is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in Travis County through the establishment of comprehensive regulations for management of flood hazard areas designed to:

- A. protect human life and health;
- B. minimize expenditure of public money for costly flood-control projects;
- C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. minimize prolonged business interruptions;
- E. minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- I. enable Travis County to qualify for the National Flood Insurance Program so that property owners may obtain federally subsidized flood insurance for structures.
- J. Encourage use of flood plain lands in accordance with their natural function as bearers of flood waters.

Guidelines Question 7: Will the proposed action constitute a taking?

Even if the amendments are not exempt, they do not constitute a taking. The amendments do not eliminate all viable uses of any private real property.

Guidelines Question 8: Are there reasonable alternatives to the proposed action that would accomplish its purpose?

An alternative to the amendments would be to leave unchanged the current provisions of Chapter 64 and risk the eligibility of Travis County residents to obtain coverage through the National Flood Insurance Program.

On March 26, 2008, FEMA issued a letter of final flood elevation determination to Travis County to inform the County that FEMA had completed its Flood Insurance Study ("FIS") and re-evaluation of flood hazards in Travis County and will be issuing anew Flood Insurance Rate Map ("FIRM"). FEMA's letter states that

“[p]rior to September 26, 2008, your community is required as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM.”

FEMA’s letter further stated that all standards set forth in 60.3(d) must be enacted in a legally enforceable document, including adoption of the current effective FIS and FIRM, and any additional requirements for eligibility can be met by:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).



Federal Emergency Management Agency

Washington, D.C. 20472

08/03/08 10:00 AM

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P-A

March 26, 2008

The Honorable Samuel Briscoe
County Judge, Travis County
314 West 11th Street, Suite 520
Austin, TX 78701

Community: Travis County, Texas
(Unincorporated Areas)
Community No.: 481026
Map Panels Affected: see attached

Dear Judge Briscoe:

This is to formally notify you of the final flood elevation determination for Travis County, Texas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On April 15, 2002, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On February 24, 2006, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in the *Austin American Statesman* on June 8, 2006 and June 15, 2006, and in the *Federal Register*, at Part 67, Volume 71, Page 45504-45508, on August 9, 2006.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. The proposed BFEs for your community were appealed during that time. All technical data submitted in support of the appeal have been evaluated, and the appeal has been resolved. Therefore, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on September 26, 2008. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to September 26, 2008, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be

enacted in a legally enforceable document. This includes adoption of the current effective FIS and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS to manage development in the floodplain, FEMA will use the FIS to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified Special Flood Hazard Areas, the areas subject to inundation by the base flood. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities

using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Denton, Texas, at (940) 898-5399 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

List of Enclosures:

National Flood Insurance Program Elevation Certificate and Instructions
Frequently Asked Questions Regarding the Effect That Revised Flood Hazards Have on Existing
Structures”
Lowest Floor Elevation Certifications for Flood Insurance Post Flood Insurance Rate Map
Construction
Use of Flood Insurance Study (FIS) Data as Available Data
National Flood Insurance Program Regulations
Final Summary of Map Actions

cc: Travis County Transportation and Natural Resources Department

Ms. Stacey Scheffel
Community Floodplain Administrator

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Community Floodplain Management Regulations Reviewed by (circle one): FEMA State Other: (Agency Name) _____

Reviewer's Determination: / The floodplain management regulations are compliant.
 / The floodplain management regulations are not compliant.

Approved by: _____ (FEMA only) Date of Approval: ___/___/___

The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Floodplain Management Regulations at Title 44 Code of Federal Regulations (CFR) Part 59 and 60 for the complete description of the required minimum criteria. Below the "Level of Regulations" column, you can indicate whether the community ordinance meets or exceeds the respective provision in the non-shaded areas.

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
ORDINANCES MUST CONTAIN THE FOLLOWING PROVISIONS:						
1. Citation of Statutory Authority						64.001
2. Framework for administering the ordinance (including permit system, establishment of the office for administering the ordinance, record keeping, etc.).						Subchapter C
3. Adequate enforcement provisions (including a violation and penalty section specifying actions the community will take to assure compliance).						Subchapter G
4. Variance section with evaluation criteria and insurance notice. [60.6(a)]						Subchapter C Division 4
5. Effective Date: _____ Adoption Date: _____						Last Page
6. Signature of Appropriate Official and Certification Official.						Last Page
OTHER PROVISIONS AND ACTIONS THAT MAY BE NECESSARY TO MAKE THE ORDINANCE LEGALLY ENFORCEABLE AND ENSURE THAT IT CAN BE PROPERLY ADMINISTERED:						
7: Purpose section citing health, safety, and welfare reasons for adoption.						64.002

¹ If a community has both floodways and coastal high hazard areas, it must meet the requirements of both level 60.3(d) and 60.3(e).

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ^f	e ^g	
8: Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.						64.013
9. Abrogation and Greater Restriction section. (e.g., This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.)						64.012
10. Severability section. (e.g., If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)						64.014
11. Public hearing (State/local laws may require hearings)						
12. Publication (State/local laws may require public notices)						
MINIMUM NFIP CRITERIA:						
13. Definitions: [59.1] __ Base Flood; __ Base Flood Elevation; __ Development; __ Existing manufactured home park or subdivision; __ Expansion to an existing manufactured home park or subdivision; __ Flood Insurance Rate Map; __ Flood Insurance Study; __ Floodway; __ Lowest Floor; __ Manufactured Home; __ Manufactured Home Park or Subdivision; __ New Construction; __ New Manufactured Home Park or Subdivision; __ Recreational Vehicle; __ Special Flood Hazard Area; __ Start of Construction; __ Structure; __ Substantial Damage; __ Substantial Improvement; __ Violation; Other Definitions as appropriate such as __ Floodproofing; __ Highest adjacent grade for community's with mapped AO Zones; __ Historic Structures						64.031 Subchapter B

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ^f	e ^f	
14. Adopt or reference correct Map and date. [60.3(b)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)						64.005
15. Adopt or reference correct Flood Insurance Study and date. [60.3(c), (d), and/or (e)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)						64.005
16. Require permits for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain. [60.3(a)(1)]						64.041 64.061
17. Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]						64.041 64.061
18. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]						64.063 64.064
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement of the structure. [60.3(a)(3)(i)]						64.121(1)
(b) Use of flood-resistant materials. [60.3.(a)(3)(ii)]						64.121(3)
(c) Construction methods and practices that minimize flood damage. [60.3(a)(3)(iii)]						64.121(2)
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry to accumulation. [60.3(a)(3)(iv)]						64.121(4)

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
20. Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding [60.3(a)(4)]. If a subdivision or other development proposal is in a flood-prone area, assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]						64.121(2)
(b) Public utilities and facilities are constructed so as to minimize flood damage. [60.3(a)(4)(ii)]						64.121(8)
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]						64.121(9)
21. Require new and replacement water supply and sanitary sewage systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) and 60.3(a)(6)]						64.121(5) 64.121(6)
22. Require onsite waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]						64.121(7)
23. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]						64.051(f)
24. In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for floodproofing or elevating non-residential structures to or above the base flood level. [60.3(b)(4)]						64.042(8)
25. Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing elevations for new and substantially improved construction. [60.3(b)(5)]						64.042(1)
26. In riverine areas, notify adjacent communities of watercourse alterations and relocations. [60.3(b)(6)]						64.042(5)

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
27. Maintain the carrying capacity of an altered or relocated watercourse. [60.3(b)(7)]						64.042(7)
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]						64.122(a)
29. Require all new and substantially improve <u>residential</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the Base Flood Elevation. [60.3(c)(2)]						64.122(a)(2) 64.122(a)(3)
30. ² In AO Zones, require that new and substantially improved <u>residential</u> structures have their lowest floor (including basement) to or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]						64.122(a)(2)
31. Require that new and substantially improved <u>non-residential</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the Base Flood Elevation. [60.3(c)(3)]						64.122(b)
32. ² In AO Zones, require new and substantially improved <u>non-residential</u> structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]						64.122(b)
33. Require that for floodproofed non-residential structures, a registered professional engineer/architect certify that the design and methods of construction meet requirements at 60.3(c)(3)(ii). [60.3(c)(4)]						64.122(b)(3)

² Item 30 and 32 are not required if the community has no AO Zones.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
34. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in 60.3(c)(5). (Openings requirement)						64.121(8)
35. ³ Until a regulatory floodway is designated, no encroachment may increase the Base Flood level more than 1 foot. [60.3(c)(10)]						64.133(d)
36. ⁴ In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]						64.122(c)
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is to or above the Base Flood Elevation and be securely anchored: (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; (iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)]						64.152

³ Item 35 is not required if all streams have floodways designated.

⁴ Item 36 is not required if the community has no AO or AH Zones.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
38. In A-1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(c)(12)]						64.152(d) 64.153
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]						64.181
40. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot. [60.3(d)(2)]						64.121(9)
41. In a regulatory floodway, prohibit any encroachment, which would cause any increase in the Base Flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the Base Flood discharge. [60.3(d)(3)]						64.134
42. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest horizontal structural member of the lowest floor of all new and substantially improved structures. [60.3(e)(2)]						Not applicable
43. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated and secured to anchored pilings or columns so that the bottom of the lowest horizontal structural member is at or above the Base Flood Elevation. [60.3(e)(4)]						Not applicable

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community _____ C.I.D. _____ State _____

Reviewed by: _____ Date of Review: _____

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
46. In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(e)(9)]						Not applicable

Comments

AGENDA REQUEST

VS # C3

Please consider the following item for voting session 08/05/08

RECEIVED
COUNTY JUDGE'S OFFICE
08 JUL 22 AM 9:48

I. A. Request made by: Commissioner Ron Davis
Phone No. 854-9111

B. Requested Text:

**REAPPOINT RICHARD HOPKINS TO THE AUSTIN TRAVIS COUNTY
MENTAL RETARDATION CENTER BOARD EFFECTIVE IMMEDIATELY.
TERM TO EXPIRE SEPTEMBER 30, 2010. (DAVIS)**

C. Approved by: [Signature]
Signature of Commissioner (Ron Davis, Commissioner, Pct. 1)

II. A. Is backup material attached*: YES X NO

*Any backup material to be presented to the court must be submitted with this Agenda Request (Original and Eight copies).

B. Have the agencies affected by this request been invited to attend the Voting Session?
YES X NO

Please list those contacted and their phone numbers:
Richard Hopkins – 447-4141

III. PERSONNEL
A change in your department's personnel. (reclass., etc.)

IV. BUDGET REQUEST:
If your request involves any of the following please check:
 Additional funding for your department
 Transfer of funds within your department budget
 A change in your department's personnel

The County Personnel (854-9165) and/or Budget and Research Office (854-9106) must be notified prior to submission of this agenda request.

AGENDA REQUEST DEADLINES

All Agenda Requests and supporting materials must be submitted to the County Judge's Office in writing by 5:00 p.m. on Monday for the next week's meeting.

July 14, 2008

The Honorable Ron Davis
Commissioner, Precinct 1
Travis County Commissioners Court
314 West 11th Street, #510
Austin, TX 78701

Dear Commissioner Davis:

It has been my pleasure to serve as your appointee on the Austin Travis County Mental Health Mental Retardation Center (Center) Board of Trustees for the two-year term of office that ends on September 30, 2008. The Center is challenged to meet the needs of the citizens of Travis County within its budget during these economic times, and I would like to continue my service as a Board Member to help identify viable solutions to these challenges.

Serving on this Board has been a very rewarding experience for me; and with your endorsement and the approval of the Commissioners Court, I would like to continue to serve on the Board to represent the interests of the citizens of Travis County, specifically Precinct 1. I am looking forward to reporting to you on the progress the Center has made in meeting the current and future challenges it faces.

Sincerely,

Richard E. Hopkins, M. Ed., CRC
Vice Chairman
ATCMHMR Board of Trustees

/st

xc

David Evans, Executive Director

C4

Travis County Commissioners Court Agenda Request

Voting Session Tuesday, August 5, 2008
(Date)

Work Session _____
(Date)

I. A. Request made by: Gillian Porter Phone: 854-4722
Commissioners Court Specialist
Commissioners Court Minutes/County Clerk's Office

B. Requested Text: **Approve the Commissioners Court Minutes for the**

Voting Session of July 22, 2008

C. Approved By: 
Dana DeBeauvoir, Travis County Clerk

II. A. Backup memorandum and exhibits should be attached and submitted with this Agenda Request (Original and eight copies)

B. Please list all of the agencies or officials' names and telephone numbers that might be affected or be involved with the request. Send a copy of this Agenda Request and backup to them.

III. Is back-up material attached? YES

AGENDA REQUEST DEADLINE: This Agenda Request, complete with backup memorandum and exhibits, should be submitted to the County Judge's Office no later than 12:00 PM on Tuesday for the following week's meeting. Late or incomplete requests may be deferred to the next meeting.

MINUTES OF MEETING JULY 22, 2008

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 22nd day of July 2008, the Commissioners' Court convened the Voting Session at 9:12 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court record notes that Precinct Two Commissioner Sarah Eckhardt was not present during this Voting Session.

The Commissioners Court recessed the Voting Session at 12:04 PM.

The Commissioners Court, meeting as the Travis County Housing Finance Corporation, convened at 1:42 PM and adjourned at 1:52 PM

The Commissioners Court reconvened the Voting Session at 1:52 PM.

The Commissioners Court retired to Executive Session at 1:54 PM.

The Commissioners Court reconvened the Voting Session at 3:07 PM.

The Commissioners Court adjourned the Voting Session at 3:09 PM.

PUBLIC HEARINGS

- 1. RECEIVE COMMENTS REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 13 AND 14, BLOCK B, PALEFACE RANCH SECTION 2A (1 TOTAL LOT). (COMMISSIONER DAUGHERTY) (ACTION ITEM #17) (9:13 AM)

Clerk's Note: This Item is a public hearing to receive comments. Please refer to Agenda Item 17 for a summary of the action item.

Motion by Commissioner Daugherty and seconded by Commissioner Gómez to open the public hearing.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, Transportation and Natural Resources (TNR).

Motion by Commissioner Daugherty and seconded by Commissioner Gómez to close the public hearing.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 2. RECEIVE COMMENTS FROM RESIDENTS OF TRAVIS COUNTY REGARDING THE PROPOSED USAGE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE PROGRAM YEAR 2008 ACTION PLAN AND THE SUBSTANTIAL AMENDMENT TO THE PROGRAM YEAR 2006 ACTION PLAN. (9:14 AM)

Clerk's Note: This Item is a public hearing to receive comments.

Motion by Commissioner Daugherty **and seconded by** Commissioner Davis to open the public hearing.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Mariana Salazar, Planner, Travis County Health and Human Services (TCHHS); and Christy Moffett, Social Services Manager, TCHHS.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to close the public hearing.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

CITIZENS COMMUNICATION

Clerk's Note: No speakers addressed the Court.

CONSENT ITEMS

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve the following Consent Items: C1 and Items 4, 5, 6, 7, 8, 12.A&B, 13.A-D, 14, 15, 17, 21, 24, 25.A&B, 27, 28, 29, and 30. (9:21 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.

SPECIAL ITEM

3. CONSIDER AND TAKE APPROPRIATE ACTION ON AN ORDER PROHIBITING OUTDOOR BURNING IN THE UNINCORPORATED AREAS OF TRAVIS COUNTY. (9:23 AM)

Members of the Court heard from: Pete Baldwin, Emergency Management Coordinator, Travis County Emergency Services.

Clerk's Note: The Court noted that by taking no action the prohibition against outdoor burning stays in place.

Item 3 to be reposted on July 29, 2008.

ADMINISTRATIVE OPERATIONS ITEMS

4. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$721,511.63 FOR THE PERIOD OF JULY 4 TO JULY 10, 2008. (9:21 AM)

Clerk's Note: Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

5. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:21 AM)

Clerk's Note: Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON SETTING HEARING DATE ON AUGUST 14, 2008 AT 9:00 A.M. REGARDING APPEAL FROM APRIL 18, 2008 TRAVIS COUNTY GRIEVANCE PANEL DECISION REGARDING TRAVIS COUNTY HUMAN RESOURCES MANAGEMENT DEPARTMENT EMPLOYEE SLOT NO. 7, PURSUANT TO TRAVIS COUNTY CODE SECTION 9.257(K). (9:21 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

7. APPROVE ISSUANCE OF JOB ORDER NO. 21, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00307RV, ARCHITECTURAL HABITAT OF AUSTIN, INC. (TRANSPORTATION AND NATURAL RESOURCES) (9:21 AM)

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. APPROVE MEMORANDUM OF AGREEMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE TEXAS HIV MEDICATION PROGRAM. (SHERIFF'S OFFICE) (9:21 AM)

Clerk's Note: Item 8 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

9. APPROVE CONTRACT AWARD FOR LONG DISTANCE TELECOMMUNICATION SERVICES, FOR VOICE & DATA AND ANY ASSOCIATED TELECOMMUNICATIONS SERVICES INCLUDING LOCAL DIAL TONE FOR VOICE AND DATA, RFP NO. P080189BF, TO THE MOST QUALIFIED RESPONDENT, TW TELECOM HOLDINGS, INC. (INFORMATION AND TELECOMMUNICATIONS SYSTEMS) (9:12 AM)

Item 9 was postponed.

10. APPROVE MODIFICATION NO. 2 TO CONTRACT NO. PS070316LC, BURTON GROUP, FOR THE PURCHASE OF CONSULTING, RESEARCH AND ADVISORY SERVICES. (INFORMATION AND TELECOMMUNICATIONS SYSTEMS/COUNTY AUDITOR) (9:12 AM)

Item 10 was postponed.

11. APPROVE ISSUANCE OF JOB ORDER NO. 4, MINOR CONSTRUCTION AND RENOVATION SERVICES, CONTRACT NO. 07K00308RV, TRIMBUILT CONSTRUCTION, INC. (FACILITIES MANAGEMENT) (9:13 AM)

Item 11 was pulled from the Agenda.

12. APPROVE CONTRACT AWARD FOR BREAD AND ROLLS, IFB NO. B080240NB, TO THE FOLLOWING QUALIFIED BIDDERS: (9:21 AM)
 - A. SARA LEE FOOD AND BEVERAGE CO. - ITEMS: 2, 3, 6, 11, 12; AND
 - B. FLOWERS BAKING COMPANY - ITEMS: 1, 7, 8, 9, 10, 13. (SHERIFF'S OFFICE)

Clerk's Note: Items 12.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

13. APPROVE CONTRACT AWARD FOR MISCELLANEOUS GROCERIES, IFB NO. B080239NB, TO THE FOLLOWING LOW BIDDERS: (9:21 AM)
- A. LABATT FOOD SERVICE - ITEMS: 7, 16, 19, 20, 21, 22, 23, 26, 31, 34, 36, 44, 47, 48, 51, 52, 53, 54, 58, 59, 64, 67, 72, 74, 81, 82, 90, 91, 92, 93, 95, 98, 99, 100, 101, 102, 103, 104, 105, 106, 111, 114, 119, 120, 121, 124, 128, 130, 136, 138, 140, 141, 142, 148, 149, 150;
 - B. SHAVER FOODS - ITEMS: 13, 14, 17, 24, 27, 28, 29, 33, 42, 49, 55, 56, 61, 65, 66, 80, 94, 96, 97, 107, 108, 109, 110, 112, 116, 117, 122, 123, 125, 126, 127, 131, 132, 133, 134, 135, 137, 139, 144, 145, 146, 147;
 - C. WHOLESALE LIQUIDATIONS - ITEMS: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 15, 18, 30, 32, 37, 38, 39, 40, 41, 43, 45, 46, 50, 113; AND
 - D. GOOD SOURCE - ITEMS: 71, 85. (SHERIFF'S OFFICE)

Clerk's Note: Items 13.A-D approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. APPROVE ORDER EXEMPTING THE PURCHASE OF UNIFORMS FOR STAR FLIGHT FROM GIBSON AND BARNES FROM THE COMPETITIVE PROCUREMENT PROCESS PURSUANT TO SECTION 262.024(A)(2) OF THE COUNTY PURCHASING ACT. (STAR FLIGHT) (9:21 AM)

Clerk's Note: Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. APPROVE MODIFICATION NO. 7 TO CONTRACT NO. 07K00254RV, STEWART BUILDERS, LTD., FOR CONSTRUCTION OF NEW BUILDINGS FOR THE TRANSPORTATION AND NATURAL RESOURCES EASTSIDE SERVICE CENTER. (FACILITIES MANAGEMENT) (9:21 AM)

Clerk's Note: Item 15 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 16. AUTHORIZE THE PURCHASING AGENT TO COMMENCE NEGOTIATIONS WITH THE MOST QUALIFIED FIRM FOR REAL ESTATE BROKERAGE SERVICES FOR THE COUNTY CENTRAL CAMPUS. (10:18 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Gómez **and seconded by** Commissioner Daugherty to approve Item 16.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

- 17. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A PLAT FOR RECORDING IN PRECINCT THREE: REVISED PLAT OF LOTS 13 AND 14, BLOCK B, PALEFACE RANCH SECTION 2A (1 TOTAL LOT). (COMMISSIONER DAUGHERTY) (9:21 AM)

Clerk’s Note: Item 17 is the action item for the public hearing on Agenda Item 1.

Clerk’s Note: Item 17 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 18. CONSIDER AND TAKE APPROPRIATE ACTION ON WANDERING CREEK PRELIMINARY PLAN AND A PHASING AGREEMENT WITH WANDERING CREEK INVESTMENTS L.P., A SUBDIVISION IN PRECINCT FOUR. (COMMISSIONER GÓMEZ) (10:20 AM)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR; Stacey Scheffel, Flood Plain Manager, TNR; Teresa Calkins, Engineer, TNR; Bill Hilgers, Travis County Resident; Christopher Gilmore, Assistant County Attorney; Clem Veters, Board Member, Elroy Preservation Association; Cathy Olive, President, Elroy Preservation Association; Tom Lincoln, Travis County Resident; David Heine, Travis County Resident; Dr. Ken Manning, Environmental Specialist; Henry Gilmore, Attorney representing the developer; Jud Wellman, Engineer, Jacobs Carter Burgess; John Hille, Assistant County Attorney; and Kip Kronenburg, Developer, Wandering Creek Investments L.P.

Motion by Commissioner Gómez **and seconded by** Judge Biscoe that we approve this Phasing Agreement and we move forward with all of the understandings that have been expressed here today.

A Clarification of the previous Motion was made by Judge Biscoe that the Standing Motion includes the approval of the Preliminary Plan.

A Substitute Motion was made by Commissioner Davis asking for a delay until October 10, 2008, and at that time we will take action on this Preliminary Plan.

Clerk’s Note: The Substitute Motion died for lack of a Second.

Clerk’s Note: The Court Voted on the Standing Motion at this time.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 19. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REVISE TRAVIS COUNTY CODE SECTION 10.0535, ON-SITE RESIDENCE FOR PARK STAFF AND THE RANGER RESIDENCE POLICY. (COMMISSIONER DAUGHERTY) (9:13 AM)

Item 19 was postponed.

- 20. CONSIDER AND TAKE APPROPRIATE ACTION ON THE REQUEST TO USE ALTERNATIVE FISCAL FOR SWEETWATER SECTION 1, VILLAGE G-1 AND VILLAGE G-2, TWO SUBDIVISIONS IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (10:15 AM)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Item 20.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	abstain
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 21. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR VARIANCE FROM TITLE 30-3-191, SIDEWALK INSTALLATION IN SUBDIVISIONS, REQUIRES NEW SUBDIVISIONS TO CONSTRUCT SIDEWALKS, FOR MILLER SUBDIVISION, RESUBDIVISION OF PORTION OF LOT 43, LAKE SIDE ADDITION, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY) (9:21 AM)

Clerk's Note: Item 21 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

22. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:
(10:13 AM)

A. INDEMNIFICATION AGREEMENT WITH PALISADES WEST, L.P. TO FUND THE PERMANENT TRAFFIC IMPROVEMENTS ON RM 2244 AT LOOP 360; AND

B. ADVANCED FUNDING AGREEMENT FOR VOLUNTARY TRANSPORTATION IMPROVEMENT PROJECTS WITH THE STATE OF TEXAS AND TRAVIS COUNTY FOR THE PERMANENT TRAFFIC IMPROVEMENTS ON RM 2244 AT LOOP 360, IN PRECINCT THREE. (COMMISSIONER DAUGHERTY)

Members of the Court heard from: Anna Bowlin, Program Manager, Planning and Engineering, TNR.

Motion by Commissioner Daugherty **and seconded by** Commissioner Gómez to approve Items 22.A&B.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

23. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT WITH TEXAS DISPOSAL SYSTEM FOR USE OF COUNTY LAND ON RANCH TO MARKET ROAD 620 (FORMER COUNTY SOLID WASTE TRANSFER STATION). (COMMISSIONER DAUGHERTY) (THIS ITEM MAY BE DISCUSSED IN EXECUTIVE SESSION PURSUANT TO GOV'T CODE ANN. 551.071, CONSULTATION WITH ATTORNEY) (1:53 PM) (1:54 PM) (3:07 PM)

Clerk's Note: Judge Biscoe announced that Item 23 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Discussion only. No formal action taken.

Item 23 to be reposted on August 5, 2008.

PLANNING AND BUDGET DEPT. ITEMS

24. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:21 AM)

Clerk's Note: Item 24 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

25. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE:
(9:21 AM)

- A. RATIFY RE-APPLICATION FOR FAMILY DRUG TREATMENT COURT WITH CRIMINAL JUSTICE DIVISION'S DRUG COURT PROGRAM TO CHANGE FUNDING SOURCE OF THE ORIGINAL APPLICATION FROM STATE FUNDS TO FEDERAL FUNDS FOR THE REMAINDER OF THE GRANT PERIOD; AND
- B. PERMISSION TO CONTINUE AMERICORPS GRANT PROGRAM THROUGH THE HEALTH AND HUMAN SERVICES DEPARTMENT UNTIL THE FY '09 GRANT CONTRACT IS EXECUTED.

Clerk's Note: Items 25.A&B approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

- 26. CONSIDER AND TAKE APPROPRIATE ACTION ON RECOMMENDATIONS FROM THE EFFICIENCY COMMITTEE REGARDING FUEL COST AND CONSUMPTION REDUCTIONS AND OTHER COST SAVING MEASURES. (9:28 AM)

Clerk's Note: The Court discussed the Efficiency Committee's recommendations regarding fuel consumption reduction:

- 1) Requiring each department to cover the \$475,000.00 shortfall using available funds in each department based on a percentage of actual FY '07 consumption (see Table D);
- 2) Increase the per hour rate of off duty deputies vehicle usage charge from \$15 to \$20. This will be assessed through the Sheriff's Office and provided as a "Donation" to the County General Fund;
- 3) Implementation of the Sheriff's Office "One Gallon per Day" initiative;
- 4) Departments to be asked to review internal processes to determine sustainable cost saving measures for fuel consumption. Each department will be asked to submit a plan and progress reports;
- 5) Each department will be allocated fuel in the FY '09 budget at 10% to 20% below FY '08 budget allocations. The allocations will be reviewed monthly to monitor consumption by vehicle or department.

Members of the Court heard from: Rodney Rhoades, Executive Manager, Planning and Budget Office (PBO); Joe Gieselman, Executive Manager, TNR; Jeffrey Anderson, Sergeant, Travis County Sheriff's Office (TCSO); Darla Fuller, Travis County Enforcement Association; Susan Spataro, Travis County Auditor; Scott Burroughs, Major, TCSO; Cyd Grimes, Travis County Purchasing Agent; Jessica Rio, Assistant Budget Manager, PBO; and Alicia Perez, Executive Manager, Administrative Operations.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we accept the departmental recommendations contained in Table D; and that we figure out another way to creatively cover the shortfall of \$31,398.00, if my math is correct; and that we notify the departments that we have accepted their offer.

A Correction to the Previous Motion was made by Judge Biscoe that the shortfall was \$231,398.00.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ITEM 26 CONTINUED

Clerk's Note: The Court heard the following Staff recommendation that each department will be allocated fuel based on historic fuel usage.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we authorize Transportation and Natural Resources (TNR) to put together a written proposal that contains Item No. 2, which basically was to allocate fuel to departments based on current use. If there are new factors that we need to take into account, for example, additional personnel, additional vehicles, we may as well go ahead and try to factor that in, but I think it needs to be in writing so we can get departmental input.

An Addition to the Previous Motion was made by Judge Biscoe that Travis County will continue to budget the fuel in a central line item, but will allocate the fuel by department, generate monthly reports, share those with the departments and the Commissioners Court so we can monitor use monthly throughout the year.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 26 to be reposted July 29, 2008 and August 12, 2008.

OTHER ITEMS

27. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:21 AM)

Clerk's Note: Item 27 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

28. RECEIVE REVENUE AND EXPENDITURE REPORTS FOR THE MONTH OF JUNE, 2008. (COUNTY AUDITOR) (9:21 AM)

Clerk's Note: Item 28 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

29. CONSIDER AND TAKE APPROPRIATE ACTION ON INTERLOCAL COOPERATION AGREEMENT BETWEEN TRAVIS COUNTY AND THE MANOR INDEPENDENT SCHOOL DISTRICT FOR 2008-2009 FOR LAW ENFORCEMENT SERVICES TO BE PROVIDED BY THE TRAVIS COUNTY SHERIFF'S OFFICE. (SHERIFF'S OFFICE) (9:21 AM)

Clerk's Note: Item 29 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

30. APPROVE CEREMONY ON AUGUST 1, 2008 DEDICATING THE COUNTY BUILDING AT 8656-B HIGHWAY 71 WEST AS THE TOWER HEROES BUILDING. (9:21 AM)

Clerk's Note: Item 30 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

31. CONSIDER AND TAKE APPROPRIATE ACTION ON PURCHASE OF LAND FROM THE COMANCHE TRAIL CONSERVATION FUND AND JOSEPH F. LUCAS IN CONNECTION WITH THE BALCONES CANYONLANDS CONSERVATION PLAN. ² (1:54 PM) (3:07 PM)

Clerk's Note: Judge Biscoe announced that Item 31 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney and Gov't. Code Ann. 551.072, Real Property.

Discussion only. No formal action taken.

Item 31 to be reposted when ready.

- 32. RECEIVE LEGAL BRIEFING ON COUNTY AUTHORITY TO APPROVE THE TRAVIS COUNTY HEALTHCARE DISTRICT'S BUDGET AND RELATED ISSUES, INCLUDING REAL PROPERTY ACQUISITION. ¹ (1:54 PM)
(3:07 PM)

Clerk's Note: Judge Biscoe announced that Item 32 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

No action required on Item 32.

- 33. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND TAKE APPROPRIATE ACTION AND/OR CONSIDER SETTLEMENT OFFER REGARDING GREGORY EALEY, FILE NUMBER 245.806, (REQUESTED BY PLAINTIFF). ¹ (1:54 PM)
(3:08 PM)

Clerk's Note: Judge Biscoe announced that Item 33 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Members of the Court heard from: John Hille, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we reject the offer, but to counter in the amount of \$10,000.00, with the understanding that that would cover personal injuries, medical expenses and claims associated with the dog bite, but not the property claim, which another governmental entity should be consulted about.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk's Note: The County Judge noted that the Court will also issue an appropriate letter of apology in addition to the financial counter-offer.

ADDED ITEMS

- A1. DRAW NAMES FROM GRAND JURY POOL FOR ELECTED OFFICIALS SALARY GRIEVANCE COMMITTEE FOR 2008, AS REQUIRED BY SECTION 152.015 OF THE LOCAL GOVERNMENT CODE. (COUNTY CLERK)
(9:24 AM)

Members of the Court heard from: David Ferris, Division Manager, Civil/Probate Division, Travis County Clerk's Office.

Clerk's Note: The members of the Commissioners Court chose the following names from the Grand Jury pool to be candidates for the Salary Grievance Committee for 2008: Stacia DeBill; Terri Rangel; Alden B. Smith; Ralph Eckwall; Richard Harris; Barbara Wilson; Keith Braithwaite; Miguel R. Garcia; Chris Crow; Rosalinda Forsythe; Charles Crenshaw; Dorothy Madison; Victoria Williams; Mary A. Guerrero; and A. E. "Ed" Gardner.

Discussion only. No formal action taken.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (3:09 PM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	absent
Precinct 3, Commissioner Gerald Daugherty	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge

TRAVIS COUNTY HOUSING FINANCE CORPORATION
AGENDA REQUEST

Work Session _____ Voting Session August 5, 2008 Executive Session _____
Date Date Date

- I. A. Request made by: Samuel T. Biscoe, President
Elected Official
- B. Requested Text: Consider and take appropriate action on request to approve minutes of Board of Director meetings of June 17, June 24, July 1, and July 15, 2008.

Approved by: _____
Signature of Samuel T. Biscoe, President

- II. A. Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies of agenda request and backup).
- B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

III. Required Authorizations: Please check if applicable.

- Planning and Budget Office (473-9106)
- Additional funding for any department or for any purpose
- Transfer of existing funds within or between any line item
- Grant
- Human Resources Department (473-9165)
- A change in your department's personnel (reclassifications, etc.)
- Purchasing Office (473-9700)
- Bid, Purchase Contract, Request for Proposal, Procurement
- County Attorney's Office (473-9415)
- Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to the County Judge's office in writing by 5:00 PM on Tuesdays for the next week's meeting. Late or incomplete requests may be deferred to the next meeting.

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY HOUSING FINANCE CORPORATION
HELD ON TUESDAY, JUNE 17, 2008**

A regular meeting of the TRAVIS COUNTY HOUSING FINANCE CORPORATION Board of Directors was held on Tuesday, June 17, 2008, at 1:55 p.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Sarah Eckhardt, Vice President; Gerald Daugherty, Treasurer; Margaret Gomez, Secretary and Ron Davis, Assistant Secretary.

1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE RESULTS OF COMPLIANCE AUDIT OF ARBORETUM OAKS APARTMENT.

The Board heard from: Miguel Gonzalez, Sr. Financial Analyst;
Cliff Blount, Attorney

Motion: Director Biscoe moved to approve the compliance audit report and directed staff to conduct a follow-up examination in six months.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	yes
	Director Daugherty	yes
	Director Gomez	yes
	Director Davis	yes

Staff Note: Audit report noted that Arboretum Oaks is not in compliance with both the "Lower-Income" and "Eligible" tenant leasing requirements.

2. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE SUBORDINATION OF LIEN ON A HOME DOWN PAYMENT ASSISTANCE LOAN.

The Board heard from: Miguel Gonzalez, Sr. Financial Analyst

Motion: Director Daugherty moved to approve the subordination of Lien.
Director Gomez seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	yes
	Director Daugherty	yes
	Director Gomez	yes

Director Davis yes

Staff Note: Homebuyer, Stormmi K. Stewart, Lot 2, Block D, Forest Bluff
Section 5, Travis County.

ADJOURN

The meeting was adjourned at 2:02 p.m.

Margaret Gomez, Secretary

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY HOUSING FINANCE CORPORATION
HELD ON TUESDAY, JUNE 24, 2008**

A regular meeting of the TRAVIS COUNTY HOUSING FINANCE CORPORATION Board of Directors was held on Tuesday, June 24, 2008, at 11:30 a.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Gerald Daugherty, Treasurer; and Ron Davis, Assistant Secretary. Sarah Eckhardt, Vice President; and Margaret Gomez, Secretary were absent.

1. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE SCHOLARSHIP GRANT AGREEMENT FOR THE OAK HILL REGIONAL FIRE ACADEMY NO. 6.

The Board heard from: Miguel Gonzalez, Sr. Financial Analyst

Motion: Director Daugherty moved to approve the scholarship grant agreement.
Director Davis seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	yes
	Director Gomez	absent
	Director Davis	yes

Staff Note: Grant total \$15,000 released on or before June 30, 2008

2. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. ONE TO EXTERNAL AUDITING CONTRACT BETWEEN TRAVIS COUNTY HOUSING FINANCE CORPORATION AND DELOITTE & TOUCHE, LLP.

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the amendment.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	yes
	Director Gomez	absent
	Director Davis	yes

Staff Note: extends contract for one month to end on July 31, 2008

ADJOURN

The meeting was adjourned at 11:32 a.m.

Ron Davis, Assistant Secretary

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY HOUSING FINANCE CORPORATION
HELD ON TUESDAY, JULY 1, 2008**

A regular meeting of the TRAVIS COUNTY HOUSING FINANCE CORPORATION Board of Directors was held on Tuesday, July 1, 2008, at 12:01 p.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Margaret Gomez, Secretary and Ron Davis, Assistant Secretary. Sarah Eckhardt, Vice President; and Gerald Daugherty, Treasurer were absent.

1. CONSIDER AND TAKE APPROPRIATE ACTION ON RESULTS OF COMPLIANCE EXAMINATION OF MOUNTAIN RANCH APARTMENTS PROJECT.

The Board heard from: Miguel Gonzalez, Sr. Financial Analyst

Motion: Director Biscoe moved to approve the compliance audit report/cure letter and directed staff to conduct a follow-up examination in six months. Director Gomez seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	absent
	Director Gomez	yes
	Director Davis	yes

Staff Note: Audit report noted that Mountain Ranch Apartment is not in compliance with the "Low Income Tenant" leasing requirements.

ADJOURN

The meeting was adjourned at 12:05 p.m.

Margaret Gomez, Secretary

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY HOUSING FINANCE CORPORATION
HELD ON TUESDAY, JULY 15, 2008**

A regular meeting of the TRAVIS COUNTY HOUSING FINANCE CORPORATION Board of Directors was held on Tuesday, July 15, 2008, at 1:40 p.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Sarah Eckhardt, Vice President; Gerald Daugherty, Treasurer; Margaret Gomez, Secretary and Ron Davis, Assistant Secretary.

1. CONSIDER AND TAKE APPROPRIATE ACTION ON THE FOLLOWING:

- a. REQUEST FOR PAYMENTS FOR THE STATE JAIL VISITOR CENTER PROJECT; AND**
- b. CONSTRUCTION CHANGE ORDER TO CHANGE THE SUBSTANTIAL COMPLETION DATE.**

The Board heard from: Harvey Davis, Manager

Motion: Director Gomez moved to approve payments as presented.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	yes
	Director Daugherty	yes
	Director Gomez	yes
	Director Davis	yes

Staff Note: Total invoices (2) \$5,501.73.
\$5,378.30 – Trimbuilt, \$123.43 – Jim Barr.

Motion: Director Biscoe moved to approve the construction change order.
Director Gomez seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	yes
	Director Daugherty	yes
	Director Gomez	yes
	Director Davis	yes

Staff Note: Extended from August 6, 2008 to September 25, 2008.

ADJOURN

The meeting was adjourned at 1:43 p.m.

Margaret Gomez, Secretary

Agenda Item No. 1

TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION
AGENDA REQUEST

Work Session _____ Voting Session August 5, 2008 Executive Session _____
Date Date Date

- I. A. Request made by: Samuel T. Biscoe, President
Elected Official
- B. Requested Text: Consider and take appropriate action on request to approve minutes of Board of Director meetings of May 20 and June 24, 2008.

Approved by: _____
Signature of Samuel T. Biscoe, President

- II. A. Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies of agenda request and backup).
- B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

III. Required Authorizations: Please check if applicable.

- Planning and Budget Office (473-9106)
- ___ Additional funding for any department or for any purpose
- ___ Transfer of existing funds within or between any line item
- ___ Grant
- Human Resources Department (473-9165)
- ___ A change in your department's personnel (reclassifications, etc.)
- Purchasing Office (473-9700)
- ___ Bid, Purchase Contract, Request for Proposal, Procurement
- County Attorney's Office (473-9415)
- ___ Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to the County Judge's office in writing by 5:00 PM on Tuesdays for the next week's meeting. Late or incomplete requests may be deferred to the next meeting.

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION
HELD ON TUESDAY, MAY 20, 2008**

A regular meeting of the TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION Board of Directors was held on Tuesday, May 20, 2008, at 1:53 p.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Sarah Eckhardt, Vice President; Gerald Daugherty, Treasurer; and Margaret Gomez, Secretary. Ron Davis, Assistant Secretary, was absent.

1. **CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO APPROVE CONTRACT FOR TRAVIS COUNTY TO PERFORM ADMINISTRATIVE, ACCOUNTING AND CLERICAL SERVICES FROM OCTOBER 1, 2008 TO SEPTEMBER 20, 2010.**

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the item as presented.
Director Gomez seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	yes
	Director Daugherty	yes
	Director Gomez	yes
	Director Davis	absent

Staff Note: Period to end September 30, 2010 not September 20, 2010.
FY-09 \$130,144 (*all corporations*)
FY-10 \$134,048 (*all corporations*)

2. **CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST TO REVIEW THE INVESTMENT POLICY AND STRATEGIES.**

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the presented investment policy and strategy. Director Gomez seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	yes
	Director Daugherty	yes

Director Gomez	yes
Director Davis	absent

ADJOURN

The meeting was adjourned at 1:54 p.m.

Margaret Gomez, Secretary

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION
HELD ON TUESDAY, JUNE 24, 2008**

A regular meeting of the TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION Board of Directors was held on Tuesday, June 24, 2008, at 11:32 a.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Gerald Daugherty, Treasurer; and Ron Davis, Assistant Secretary. Sarah Eckhardt, Vice President; and Margaret Gomez, Secretary were absent.

1. **CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. ONE TO EXTERNAL AUDITING CONTRACT BETWEEN TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION, CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION, TRAVIS COUNTY HOUSING FINANCE CORPORATION, CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION, TRAVIS COUNTY DEVELOPMENT AUTHORITY, AND TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION AND DELOITTE & TOUCHE, LLP.**

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the amendment.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	yes
	Director Gomez	absent
	Director Davis	yes

Staff Note: extends contract for one month to end on July 31, 2008

ADJOURN

The meeting was adjourned at 11:33 a.m.

Ron Davis, Assistant Secretary

TRAVIS COUNTY DEVELOPMENT AUTHORITY
TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION
CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION
CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION

Work Session _____ Voting Session August 5, 2008 Executive Session _____
Date Date Date

- I. A. Request made by: Samuel T. Biscoe, President
Elected Official
- B. Requested Text: Consider and take appropriate action on request to approve minutes of Board of Director meetings of June 24, 2008.

Approved by: _____
Signature of Samuel T. Biscoe, President

- II. A. Any backup material to be presented to the court must be submitted with this Agenda Request (Original and eight copies of agenda request and backup).
- B. Please list all of the agencies or officials' names and telephone numbers that might be affected by or involved with this request. Send a copy of this Agenda Request and backup to them:

III. Required Authorizations: Please check if applicable.

- Planning and Budget Office (473-9106)
- _____ Additional funding for any department or for any purpose
- _____ Transfer of existing funds within or between any line item
- _____ Grant
- Human Resources Department (473-9165)
- _____ A change in your department's personnel (reclassifications, etc.)
- Purchasing Office (473-9700)
- _____ Bid, Purchase Contract, Request for Proposal, Procurement
- County Attorney's Office (473-9415)
- _____ Contract, Agreement, Policy & Procedure

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted to the County Judge's office in writing by 5:00 PM on Tuesdays for the next week's meeting. Late or incomplete requests may be deferred to the next meeting.

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY DEVELOPMENT AUTHORITY
HELD ON TUESDAY, JUNE 24, 2008**

A regular meeting of the TRAVIS COUNTY DEVELOPMENT AUTHORITY Board of Directors was held on Tuesday, June 24, 2008, at 11:32 a.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Gerald Daugherty, Treasurer; and Ron Davis, Assistant Secretary. Sarah Eckhardt, Vice President; and Margaret Gomez, Secretary were absent.

1. **CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. ONE TO EXTERNAL AUDITING CONTRACT BETWEEN TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION, CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION, TRAVIS COUNTY HOUSING FINANCE CORPORATION, CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION, TRAVIS COUNTY DEVELOPMENT AUTHORITY, AND TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION AND DELOITTE & TOUCHE, LLP.**

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the amendment.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	yes
	Director Gomez	absent
	Director Davis	yes

Staff Note: extends contract for one month to end on July 31, 2008

ADJOURN

The meeting was adjourned at 11:33 a.m.

Ron Davis, Assistant Secretary

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE
CORPORATION
HELD ON TUESDAY, JUNE 24, 2008**

A regular meeting of the TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION Board of Directors was held on Tuesday, June 24, 2008, at 11:32 a.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Gerald Daugherty, Treasurer; and Ron Davis, Assistant Secretary. Sarah Eckhardt, Vice President; and Margaret Gomez, Secretary were absent.

- 1. CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. ONE TO EXTERNAL AUDITING CONTRACT BETWEEN TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION, CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION, TRAVIS COUNTY HOUSING FINANCE CORPORATION, CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION, TRAVIS COUNTY DEVELOPMENT AUTHORITY, AND TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION AND DELOITTE & TOUCHE, LLP.**

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the amendment.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	yes
	Director Gomez	absent
	Director Davis	yes

Staff Note: extends contract for one month to end on July 31, 2008

ADJOURN

The meeting was adjourned at 11:33 a.m.

Ron Davis, Assistant Secretary

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION
HELD ON TUESDAY, JUNE 24, 2008**

A regular meeting of the CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION Board of Directors was held on Tuesday, June 24, 2008, at 11:32 a.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Gerald Daugherty, Treasurer; and Ron Davis, Assistant Secretary. Sarah Eckhardt, Vice President; and Margaret Gomez, Secretary were absent.

1. **CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. ONE TO EXTERNAL AUDITING CONTRACT BETWEEN TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION, CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION, TRAVIS COUNTY HOUSING FINANCE CORPORATION, CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION, TRAVIS COUNTY DEVELOPMENT AUTHORITY, AND TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION AND DELOITTE & TOUCHE, LLP.**

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the amendment.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	yes
	Director Gomez	absent
	Director Davis	yes

Staff Note: extends contract for one month to end on July 31, 2008

ADJOURN

The meeting was adjourned at 11:33 a.m.

Ron Davis, Assistant Secretary

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS OF
CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION
HELD ON TUESDAY, JUNE 24, 2008**

A regular meeting of the CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION Board of Directors was held on Tuesday, June 24, 2008, at 11:32 a.m. at Travis County Commissioners' Court Room, 314 W. 11th St., Austin, Texas pursuant to proper notice and call of said meeting.

Members of the Board of Directors in attendance were Samuel T. Biscoe, President; Gerald Daugherty, Treasurer; and Ron Davis, Assistant Secretary. Sarah Eckhardt, Vice President; and Margaret Gomez, Secretary were absent.

1. **CONSIDER AND TAKE APPROPRIATE ACTION ON AMENDMENT NO. ONE TO EXTERNAL AUDITING CONTRACT BETWEEN TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION, CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION, TRAVIS COUNTY HOUSING FINANCE CORPORATION, CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION, TRAVIS COUNTY DEVELOPMENT AUTHORITY, AND TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION AND DELOITTE & TOUCHE, LLP.**

The Board heard from: Harvey Davis, Manager

Motion: Director Biscoe moved to approve the amendment.
Director Daugherty seconded the motion.

Motion carried:	Director Biscoe	yes
	Director Eckhardt	absent
	Director Daugherty	yes
	Director Gomez	absent
	Director Davis	yes

Staff Note: extends contract for one month to end on July 31, 2008

ADJOURN

The meeting was adjourned at 11:33 a.m.

Ron Davis, Assistant Secretary